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THE SETTLEMENT

INDIA OFFICE
OF THE
RECORDS
LAND REVENUE

IN THE NORTH WEST PROVINCES

OF THE

BENGAL PRESIDENCY.

REPRINTED FROM THE *CALCUTTA REVIEW*.

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PRINTED BY SANDERS, CONES AND CO., NO. 14, LOLL BAZAR.

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EXPLANATION OF INDIAN TERMS.

<i>Abkaree</i>	Excise, or tax on spirituous liquors.
<i>Aumil</i>	Revenue and Police Officer under the Native Governments.
<i>Bâch</i>	Distribution of the revenue by an equal or proportionate rate on the holdings of the several sharers.
<i>Beegah</i>	Local measure of land, generally about 5-8ths of an acre.
<i>Canoongo</i>	Pergunnah Registrar.
<i>Collector</i>	European Revenue Officer at the head of a district.
<i>Commissioner</i> .	European Revenue Officer at the head of a Division containing from 4 to 6 districts.
<i>Dooab</i>	Country between the Ganges and Jumna.
<i>Jageer</i>	Land held free of revenue for special services, generally on the condition of keeping up an armed force.
<i>Jumma</i>	The amount of revenue claimed by the Government from any given portion of land.
<i>Jummabundee</i> .	The rent-roll of a private proprietor.
<i>Khusreh</i>	The register of the measurement of an estate, giving the dimensions and description of every field contained in it.
<i>Lack</i>	1,00,000. Crore. 100 lacks or 10 millions.
<i>Lumberdar</i> ...	The party whose name is entered as proprietor in the Government books both in his own right, and as representative of the other sharers.
<i>Malikânah</i> ...	An allowance granted to proprietors when excluded from engagements with Government. It varies from 5 to 10 per cent. of the revenue.
<i>Mawfee</i>	Land held free of revenue on any grounds.
<i>Misl</i>	Bundle of papers containing official proceedings on any subject.
<i>Mokuddum</i> ...	This term is used to denote two distinct classes of men. First, the chief cultivator (called also Jeth ryot) who possesses no transferable rights, but is employed by the Zêmindar to assist him in managing the estate. Se-

condly, the head men of the agricultural communities, who with their brethren own the proprietary right in the soil, and are therefore now commonly termed Zemindars.

<i>Moontukhub..</i>	}	List of the fields in each sub-division of an estate, classified according to their owners and cultivators with the area of each from the Khusreh.
<i>or</i> <i>Khuteounce...</i>		
<i>Pergunnah ...</i>		Sub-division of a district—varying much in size, but containing generally from 50,000 to 150,000 acres.
<i>Puttee</i>		Minor sub-division of an estate.
<i>Putteedar</i>		One of the sharers in the proprietary right of an estate.
<i>Putwarree</i>		Village accountant. His duty is to adjust and record all transactions connected either with rent or revenue.
<i>Ryot.....</i>		Cultivating tenant.
<i>Taloqua</i>		A collection of villages, connected with each other by the circumstance of their being held by the same party under one engagement for the public revenue due upon the whole. The name sometimes remains after the single engagement has been broken up.
<i>Taloquadar...</i>		The party holding a Taloqua, whether as a mere farmer or on a hereditary footing.
<i>Teerij</i>		Abstract of any list or register.
<i>Thoke</i>		Principal sub-division of an estate.
<i>Tuhseeldar ...</i>		Officer employed under the British Government to collect the revenue of one or more Pergunnahs.
<i>Village.....</i>		Properly a township, or collection of houses with the lands attached to it, but frequently used to denote a tract of country assessed under one name in the Government Books, whether such tract contains one or several townships, or is altogether uninhabited. Such tracts vary in extent from a hundred acres or less, to several thousand.
<i>Zemindar.....</i>		Private landed proprietor, with rights varying according as there may be others, or not, entitled to share with him in the produce of the soil.

THE SETTLEMENT OF THE N. W. PROVINCES.

1. *Directions for Settlement Officers, promulgated under the authority of the Hon'ble the Lieutenant Governor of the North Western Provinces. Agra. 1844.*
2. *Translation of a Proceeding regarding the settlement of a village, according to the system pursued in the North Western Provinces of the Presidency of Bengal: compiled and published under the orders of the Hon'ble the Lieutenant Governor, North Western Provinces. Agra. 1847.*
3. *Settlement Reports of several Districts, printed and published at various times by order of Government, North Western Provinces.*
4. *Memoir on the Statistics of the North Western Provinces of the Bengal Presidency, compiled from official documents, under orders of the Hon'ble the Lieutenant Governor, by A. Shakespear, Esq., Assistant Secretary to the Government. Calcutta. 1848.*

WHEN Ram Mohun Roy made his first appearance in the streets of London, he was greeted with the cry of "Tippoo;" the mob apparently thinking that all who wore "the shadowed livery of the burnished sun" were equally entitled to that name. We have often observed a somewhat similar tendency to generalization with regard to Indian matters, even among Englishmen of intelligence and education. They acquire notions, perhaps imperfect ones, regarding some branch of administration in a particular part of the country; and upon these they argue, when the occasion arises, as if they must apply to all our widely extended provinces alike. If the Editor of the *Spectator* wishes to prove that it is the pressure of the Government revenue, which prevents the supply of cotton to the English market, he draws his conclusions from assertions of Bombay merchants, which, whether true or not, as regards that Presidency, are certainly quite inapplicable to Bengal. Even Professor Jones, with his peculiar means of information, has erred in a similar way. When discussing the nature of ryot rents in India; and lamenting that Sir Thomas Munro's advice to reduce those rents in certain parts of the Madras Territory was not complied with, he seems to have been totally unaware that, in the larger and richer portion of our Eastern Empire, the Government is no longer the sole landlord; that the agricultural management now rests with other proprietors, whose interest in the soil has been created by the limitation of the public demand; and that the amount of rent paid by the actual

cultivators, where not limited by special circumstances, is regulated by natural causes, with which the revenue paid to the State has no connection.

We think, therefore, that it may help to correct existing misconceptions, if we attempt to describe the great work of the revision of the settlement in the North Western Provinces of the Bengal Presidency, which has been brought to gradual completion during the last twenty years. In the execution of this attempt, we shall be led to speak of the general mode of revenue administration now pursued; to point out the evils, which the settlement was intended to remedy; and to consider how far this end has been attained. The topic, thus set before us, is one of the highest interest. We have to deal with operations vitally affecting the welfare of many millions of our Indian fellow-subjects; not to reckon the millions more, to whom the same system may be hereafter extended. In eliminating the plan, upon which these measures were to be conducted, and in superintending their progress, men of the first intellect in the country found ample scope for all their faculties and energies; while, for the execution of the work itself, the best subordinate talent, which the service afforded, was for many years placed in requisition, and taxed to the utmost. The revision of the settlement has made us better acquainted with the people, whom we have been called upon to govern, than we might otherwise have been in centuries. It has given us an insight into their condition, feelings, desires, and wants. It has thrown a flood of light on all the relations of the people with the State. It has furnished the Government with means, never before possessed, for encouraging industry and protecting private rights; while it has accustomed our subjects themselves to familiar intercourse with their rulers, and has inspired them with confidence in our moderation, and reliance on our justice. It has done more to prevent affrays, and to lead to the peaceable adjustment of disputes regarding real property, than all the terrors of the penal law could ever have effected. While in progress, the settlement afforded the best school for fitting men to fill other offices of every description; and, even now, the necessity of maintaining its arrangements, and acting up to its provisions, supplies a training of nearly equal efficacy. Those who, after such a training, are called to preside in a civil court, are enabled by the settlement arrangements and records to decide confidently, where they must before have groped hopelessly in the dark. A measure, which has been followed by such results, besides its more immediate object of equalizing taxation, must deserve the attention of all, who take any interest in the welfare of India.

The treatise, which we have placed at the head of this article,

entitled 'Directions to Settlement Officers,' is the last which has been issued on the subject, and the only one which has aimed at embracing it in all its parts. It possesses further this great advantage over the detached instructions, issued at various former times for the guidance of the officers employed, that it has been drawn up, after the plan originally laid down has been tested by experience, in the progress of which mistakes have been corrected, and the course of procedure matured. In the clearness of its arrangement, and the comprehensiveness of its views, this manual leaves nothing to be desired: and to it we must refer our readers for the details of that system, of which we are about to place the more prominent points before them. The specimen Settlement Misl has been prepared under the sanction of the same high and competent authority, as the Directions. It only represents a supposed case, and is intended to show how the plan prescribed in the manual, may, under particular circumstances, be carried out into practice. The printed Settlement Reports, on the other hand, detail the course which has actually been pursued by many able officers. We would recommend a careful study of these reports to any one, who is really desirous of mastering the subject. They show the information which has to be sought for, the various difficulties which have been met with in different localities, and the mode in which they have been overcome. The Statistical Memoir relates principally to questions, which are foreign to our present purpose; and we cannot now pay it the attention it deserves: but we have quoted it here, as containing many of the general results of the Settlement. In it will be found the extent of land, cultivated or otherwise, in each pergunnah of every district, together with the amount of the Government assessment, and the rate at which this falls on the area. The corrected population returns, given in this Memoir, are founded on enquiries, made since the settlement was concluded; but that operation paved the way for a clearer knowledge upon this head, as well as upon all others, connected with the rural economy of the country.

The North West Provinces contain, by the last and most accurate returns, 71,985 square statute miles, with a population of 23,199,668 souls. The land revenue, demanded from them in 1846-7, amounted to rupees 4,05,29,921; in addition to which they paid in the same year a nett sum of rupees 16,60,901 (including collections due for former years), on account of Abkari, and of rupees 12,33,903 for Stamps. The Customs duties, levied on the frontier during the same period, (by far the greater part of which must be considered a tax upon

these provinces) amounted to about rupees 62,00,000; thus making up, with other minor sources of income, a total revenue of more than five crores of rupees. The whole territory is divided into thirty-two districts, which are classed in six* divisions. The whole of these have come under survey; but there has of course been no general revision of the revenue in those parts of the Benares division, of which the Government demand was permanently fixed in the year 1795. The revenue has there remained unaltered, except in cases where an estate had always been farmed, and the demand had therefore never been determined in perpetuity; or where the permanent demand had broken down, and required reduction. The main object of extending the operations into that part of the country was to decide many long outstanding questions, in which the claims of the Government, or of individuals, were concerned, and to give the people the option of placing on record the same detailed statement of private rights, and of the mode of internal administration, which had been introduced elsewhere.

In extent of territory, therefore, the provinces which, with the above partial exceptions, have come under settlement, are about equal to England and Scotland, without Wales. In point of population, they about equal Italy, including Sicily and Sardinia: while the gross revenue, realized from them, exceeds by one half that of the Kingdom of Belgium. Following the line of the Ganges and Jumna, the extreme distance, from Goruckpore on the south-east to Hissar on the north-west, is nearly 700 miles. In this wide expanse of country much diversity of race, language, and character, is naturally met with among the occupants of the soil. The Rajpút of Ázimghur, the Brahmin of Cawnpore, the Ahír of the ravines of the Jumna, the Gujur of Meerut, and the Jât of Delhi, have all peculiarities, which distinguish them, not only from other tribes, but also from men of the same tribe in other places. To the essential differences of caste, with its influence on their occupations, lawful and unlawful, are added others, arising from social position, or local circumstances; the last being aggravated by the want of communication between distant parts of the country. Among the Muhammedans, again, the Patan of Rohilcund and the Syud of the Upper Duáb have little in common with other land-holders of the same faith, but of inferior descent; while the whole race were originally as distinct from the Hindus, among whom they settled, as the Normans were from the Saxons at the period of the conquest.

In a body of agriculturists thus constituted, there will be a considerable variety of customs, prejudices, and institutions, to which due attention was requisite, when carrying out an extensive measure, like that of the late settlement. Indeed it was one of the chief objects of the settlement to discover and record such peculiarities, whether they related to the extent of existing rights, or to the manner in which those rights were to be exercised and maintained. Nevertheless, while care was needful, not to pre-suppose the existence of complete uniformity, especially in minor points, it was easy to trace a general resemblance in the landed tenures of all parts, and among men of all tribes and races. Whoever has once mastered the position, in which the rural inhabitants of any single district stand to each other and to the Government, can find little difficulty in understanding any deviations from the same type, which he may observe elsewhere. Of these apparent anomalies many will be found, on closer consideration, to involve differences only of names, or of methods; the principle remaining the same. Such are the various modes of distributing the Government demand upon the holdings of those who contribute to it; whether by a rate on the measured number of bighas, or on ploughs, or wells, or fictitious bighas of large size. Others again are more real, and affect materially the interests of those concerned with them; but these almost always relate to the position of the members of one grade of the agricultural community, as regards each other—not as regards those of any other grade. Of this kind are the customs, met with in Bundelcund, of repartitioning the land on the occurrence of certain contingencies—and, under other circumstances, of the gratuitous liquidation of arrears, due from defaulters, by their solvent brethren. Such too are the peculiar rules, existing in particular tribes or families, regarding legitimacy and inheritance, and the singular distinction occasionally drawn between the possession of the land and that of the proprietary right; whereby a man may dispose of all his land, and yet retain an exchangeable interest in the estate.* It is seldom that local or special custom interferes with the relations usually found to exist between the several grand classes, who are entitled to share in the produce of the soil; as between the ryot and the zemindar, or the zemindar and the Government.† A clear view of these rela-

* See Report on the Settlement of Azimghur.—Par. 65-66.

† As a rare instance of a local rule of this kind, we may quote the custom prevalent in some districts, and especially in Azimghur, whereby cultivators of the higher castes (Ushraff) pay uniformly a lower rent than those of inferior castes (Urzel). See

tions is therefore a requisite qualification, either for making a settlement, or for comprehending one, when made. We shall endeavour to state, in small compass, how they stood under the Native dynasties, and in what way they have been modified under the British rule.

In tracing up the landed tenures, now existing in these provinces, to their earliest source, we find that there were originally but two parties, who possessed any fixed rights in the soil or its produce. These were the Government on the one hand, and those, who first occupied and appropriated the land under the Government, on the other. Of these two parties, the ruling power must be considered to have been the chief proprietor, inasmuch as it was entitled to demand a full rent from all productive land, and to dispose, at its pleasure, of all extensive wastes and forests. These claims on the part of the State were, at various periods, more or less rigidly enforced ; but they were indefeasible, except with its own consent.

The private proprietors, to whom the produce of the land, after paying the Government demand, belonged, were ; in some cases, single individuals, who managed a tract (of greater or less extent) through their own dependants. In these cases, the tenure had generally been obtained by direct grant from the Government itself. The zemindarí right, in a region previously uninhabited, or tenanted only by predatory and wandering tribes, was often thus assigned to some man of wealth and influence, with a view to the introduction of order and agricultural improvement. The grantee then settled on the spot, and by degrees brought in cultivators of the industrious classes, to whom he portioned off the land according to their means. In so doing, he would often find it expedient to give the head man of each location a permanent interest in the increase of the produce. This was sometimes done by a written document (as in the case of the Briteas in Goruckpore), by which certain terms were fixed, as those on which the village was in future to be held. But it was more usual merely to acknowledge one of the cultivators, as Mokuddum, or Jeth ryot, and to give him certain privileges, such as a portion of land rent free, or a small percentage on the collections, in return for his service. The office of Mokuddum, thus constituted, usually descended in the same family ; but, unless it rested on some specific and permanent grant, it was not susceptible of division among heirs, or of transfer. The Zemindar, or superior lord, remained sole master in a tract thus peopled, except so far as his authority

the country. He made his own bargain with the Government for the sum which he had to pay as revenue ; while his receipts depended mainly on the skill and success, with which he improved his domain.

Far more commonly, however, the private right in the soil was held by a numerous body of sharers, who were all descended from the same stock, and who, for the most part, cultivated, as well as owned, the land. These were the famous village communities, of whom so much has been written ; the "indestructible atoms," to which the rural body politic chiefly owed its strength and permanency ; the rocks, over which the waves of conquest or intestine disturbance so often flowed, without moving them from their fixed position. These communities were as independent in their origin, as many of them have long proved themselves to be in their self-maintained stability. The foundation of their tenures was laid in those ancient times, when tribe after tribe of Rajpúts, or of Jâts, and other races connected with the Rajpúts, left their home in the distant regions of Northern Asia, and migrated to the then thinly populated plains of India. The rise of the Muhammedan power, in Affghánistan and its neighbourhood, barred the route against any further influx from that quarter ; but similar migrations long continued to take place from the countries on this side the Indus, or from Rajpútána, to the Gangetic valley, and from one portion of that valley to another. These changes of location were not always accomplished without a contest with previous occupants ; a memorial of whom may often still be seen in the old shapeless mound, on which their fort, or little capital, once stood. However this may have been, as soon as the new comers found themselves undisputed masters of the soil, they proceeded to divide it according to their families. Each of these at first settled down at some distance from the rest, leaving space around to provide for future expansion. In the next generation, shoots were thrown off from each of these stocks, who fixed themselves in the nearest unoccupied spot to that from which they issued. As time advanced, this process was repeated, till the whole tract, which the tribe had originally grasped, became fully tenanted and cultivated. It had then become divided into a number of separate properties, the limits of which had by degrees been carefully determined, though they were often interlaced in a singular way with each other. This was owing to the mode of partition practised by these communities. Instead of drawing a line through the centre of the tract to be divided, they considered it a fairer plan for each party to

area. Shares in the same property were divided in a similar way. The arrangement is an inconvenient and injurious one; but it forms a peculiar characteristic of these proprietary bodies.

The individual members of the village communities were the "Racia," or hereditary cultivators, the protection of whom was considered of so much importance by Akbár and Aurungzebe, and by every other native ruler, who paid any attention to the welfare of his people. As individuals, their rights consisted in the permanency of their tenure as occupants of their ancestral fields, subject to the payment of the dues of the State. As collective bodies, they raised among themselves the whole sum required by the Government from the village, making their own agreements with any cultivators of other castes, or families, whom they might have introduced to assist them in the culture of the land: they collected and appropriated the spontaneous products of the earth or water within their precincts: they realized ground rents from non-agriculturists resident in the village, and cesses from occasional fairs or markets. In the same capacity, they were entitled to manage their internal affairs without foreign interference; they provided for watch and ward, and for a rude system of detective Police, and decided, by arbitration, or by the authority of their head men, almost all disputes of a civil nature, which arose among the brotherhood. The amount of the Government assessment was usually determined by actual estimate of each crop, while on the ground; for which duty a special establishment was kept up by the Amil (revenue collector). The demand, thus fixed, was realized, when the crop was cut, by the Mokuddums, or chief men of the village, and conveyed by them to the district treasury; when they commonly received a turban, and an allowance of two per cent on the sum paid in, as a remuneration for their services. It might occasionally happen, that the Mokuddums, or one of their number, had the means and enterprise to engage with the Amil to pay a fixed sum for a short term of years, so as to avoid the necessity for this constant examination of the crops. In that case, the party, who took the lease, entered into an engagement in his own name, and himself arranged with the other sharers for their quotas of the sum, which he had agreed to pay. But, after the term of the engagement had expired, either the Government, or the people, had the option of reverting to the actual estimate of produce, which was better suited to the uncertainty of seasons, as combined with general improvidence of habits.

The rights and privileges, thus described, were amply sufficient to constitute a heritable and transferable property, not

revenue, the whole net rent of the land. The share of the gross produce, which both Hindu and Muhammedan Governments professed to take,* would have always left a beneficial interest in the land to the ryot; and, allowing that these professions were seldom adhered to in practice, it was probably impossible to exact a full rent with any degree of certainty or regularity. The value of the tenure was increased by the other sources of profit adverted to above, as well as by the houses, groves and wells, which were gradually built, or planted, or dug, on the land. The property, thus formed, was seldom transferred by sale; a strong prejudice existing against such a procedure. But it descended to heirs, was conveyed by gift, and was frequently mortgaged and redeemed.

Nothing but the greatest calamity, or the greatest injustice, could, by sudden violence, dislodge or break up the proprietary communities thus established. The nature of their tenure, as above described, was indicated by the designations assigned to them. They were called "Biswadars," or "Blúmias," or by other titles, expressive of their indissoluble connection with the soil. Their rights were considered as sacred as those of the sovereign himself, and were never infringed without the stigma of tyranny being attached to the aggressor. This public feeling in their favour, together with their own intense attachment to their patrimony, and the power of combination, which they possessed for mutual defence and support, enabled them to weather many a storm, and to re-appear, though perhaps with diminished numbers and resources, when the danger had passed away. The slow effects of time had, however, produced great changes among them, long before they came under our sway. A long series of years, extending often to several centuries from the first settlement of the tribe, and the succession of accidents in unsettled times, had tended to shake even the firm hold which they had upon the land. The Rajpúts, in particular, had gradually succumbed before the advance of other races of less ancient descent, but of greater industry. Where a "Chourassi" of Rajput communities once existed, they had dwindled to a much smaller number; the places of the others being occupied by Kayths, Kachis, or Kuromis, or by some single owner.† Still no change occurred in the relations of the

* It is stated in the *Ayeen Akbarry* that the Hindu monarchs of Hindustan exacted the sixth part of the produce. The Muhammedan princes in different kingdoms of Asia exacted various proportions, as the fifth, the sixth, and the tenth; but levied at the same time a general poll tax, and other imposts. Akbar abolished all arbitrary taxes, and fixed the Government demand at one-third of the produce. It will be seen that this nearly corresponds with the theoretical share taken under our own system.

occupants of the soil with the State. The new proprietors merely took the places of those, whom they had supplanted, just as these had perhaps taken the place of others, many ages before.

Such were the tenures, which sprung up, under the original constitution of the country, according as the land was first occupied by a single individual of comparative wealth and power, or by a body of industrious cultivators. These parties respectively were, as we have said, in the first instance the sole private holders of any fixed interest in the soil. In the large zemindaris, other rights might by degrees arise by gift, contract, or prescription: but this could hardly occur in tracts tenanted by the village communities. Their connection with the land was too close to allow of any claims springing up under them; and, though they frequently admitted other ryots to share their labours, these last had no settled position, and were for the most part merely tenants at will. The simple system, thus established, was, however, often complicated from causes, of which some mention must here be made.

It has been seen that the native governments usually collected their revenue from the village landholders by means of temporary officers, corresponding in that respect with our Tahsildars. But it often happened that, from motives of policy or favour, they delegated their rights in this respect in one or more villages to some person, previously unconnected with the spot, and permitted him to realize, on his own account, the share of the produce, otherwise due to the State. If this grantee was allowed to appropriate the revenue to his own use, or for special services, he was termed a *Múafidar*, or *Jaghirdar*. When he engaged to pay a yearly sum to the Government in return for his tenure, he was called a *Talúkadar*, or *Zemindar*. The only difference between these two last terms appears to have been, that the latter denoted a more permanent tenure than the former; a *Talúkadar* being simply a farmer upon a large scale.* Besides the grants of this nature, which were really made or confirmed by the sovereign power, there were vast numbers, which could boast no such legitimate origin. Many were conferred by the *Amils*, or usurped with their connivance. A large *talúka* sometimes sprung up by degrees from an originally small nucleus, the owner of which took advantage of periods of temporary distress to bring more and more of the surrounding estates under his influence. This was the more readily accomplished, as the people themselves were often not disinclined to

the arrangement. They thought that, in transferring their payments from the Amil to the Talúkadar, they were only securing a powerful friend, who could help them in time of need.

It was indeed evident, that the inherent and universally acknowledged rights of the original tenants and occupants of the soil were, neither in equity, nor by the intention of the ruling power, at all affected by this interposition of another party between them and the State. The characteristic and distinguishing feature of their tenure was, that it should remain unaltered under every possible change of the government, or of its delegates. The Government could only assign its own claims to the Múafídar or Talúkadar; which claims were, as we have seen, perfectly compatible with, and clearly distinguished from, the rights of the communities. The assignee was entitled to receive the government share of the produce; but here his authority properly ceased. The village landholders had made no transfer of their rights, nor was it in the power of any party in the state to deprive them of those rights against their will.* Instead of settling with the Amils for the revenue due from them, they had henceforth to deal with one who claimed, or hoped, to hold a more permanent office; but in all other respects their position remained unchanged. The new superior might often be induced by his wants, and enabled by his local knowledge, to lay a heavier burden on the land, than would otherwise have been levied; but he was well aware, that if he carried this to the extent of oppressing, or, a fortiori, of breaking up the communities, he was exceeding his known powers, and violating the tacit conditions, under which his own tenure had been constituted.

Our readers will now be able, in some measure, to judge of the problem, which lay before the government, when, in the years 1801-3, such vast strides were made, by the cessions from the Nuwab Vizir, and the conquest from Scindiah and the Peishwah, towards the completion of our Indian empire. The difficulty of solving that problem consisted, partly in our ignorance of its conditions, and in the want of experienced revenue officers; and partly in the hurried way in which the first arrangements had to be formed. The most pressing object was to secure the revenue; and it was thought that this could be most easily done, by fixing the responsibility of it upon the fewest and wealthiest

* See Elphinstone's India, Vol. 1, Page 140, on this subject.—“It has been mentioned, that the king can alienate his share in a village. In like manner he often alienates large portions of his territory to his nobles.”

of those willing to engage. Besides this, there was still at that time a general prepossession in favor of the zemindari system, under which the permanent settlement in Bengal, and more partially in Benares, had previously been concluded. The proper type of the rural system was thought to consist of one or more Zemindars for each estate, or collection of estates, in immediate connection with government, and of a body of ryots, some of whom had a right of occupancy, and others not. The idea of a community of cultivators, all of whom were also proprietors (though convenience required that their affairs should be conducted through a few of their number, as representatives of the rest), appears to have been scarcely realized. This tendency was observable in our laws, as well as in our practice. Many enactments were passed, in the earlier times of our rule in these provinces, for regulating the dealings of the Zemindars with their Ryots; but none, for many years, which had reference to the mutual relations of the agricultural co-sharers, or which distinctly recognized the proprietary right of those not under personal engagements with the State. The legislature, indeed, appears to have been fully aware, that the early revenue proceedings were likely to be very erroneous, and reserved to itself, by a special provision, the power of making any future enactments, which might be necessary for the protection and "welfare of the putidars, under renters, ryots, and other cultivators of the soil;" but it was long before this intention was fulfilled.*

In the meantime we proceeded, immediately on assuming charge of our new territories, to take some most important steps with regard to landed tenures in general. We relinquished the principle, which had been acted upon by the native Governments, that the revenue of the state had no limit within the amount of the entire rent; as well as the arbitrary practice, pursued by those Governments, of interfering at their pleasure with the exercise of established rights. We abjured this system as one, which, though it had not extinguished the possession by subjects of property in land, had rendered it "precarious and of little value." We "confirmed and established" this proprietary right in all persons before possessing it; we acknowledged the claims of such parties to engage for the revenue, and we even gave them a conditional promise, that the amount of their revenue should soon be fixed in perpetuity.† The rule, according

* See Regulation XXV. of 1803, Sec. 35, C. I., and Regulation IX. of 1805, Sec. 25, C. I.

† See Regulation XXV. of 1803, Sections 34 and 36, and Regulation IX. of 1805, Sections 24 and 26. The promise of a permanent settlement was repeated on several occasions afterwards, but was happily never fulfilled; otherwise we should have per-

to which the Government demand was to be calculated, was not at that time clearly or finally laid down; but a pledge was evidently given to relinquish a portion of the net rent of the land. Upon no other principle could a contract be entered into for a lengthened term of years, or could any benefit be derived from such a contract, by those who were not cultivators themselves. A distinction thus arose between rent and revenue, which did not before exist. Before, the revenue might have been nothing more than the net rent, after defraying the expenses of management. Now, the revenue became that part of the rent, which remained, after deducting both the expenses of management, and the proprietary profits.*

The early settlements were made for periods, varying from three to five years. They were effected in a very easy and cursory way. The Collector sat in his office at the Sudder Station, attended by his right hand men, the Kanúngos; by whom he was almost entirely guided. As each estate came up in succession, the brief record of former settlements was read, and the Dehsunní Book, or Fiscal Register, for ten years immediately preceeding the cession or conquest, was inspected. The Kanúngos were then asked, who was the Zemindar of the village. The reply to this question pointed sometimes to the actual bonâ-fide owner of one, or of many estates; sometimes to the head man of the village community; sometimes to a non-resident Syud, or Kayth, whose sole possession consisted in the levying a yearly sum from the real cultivating proprietors; and sometimes to the large Zemindar, or Talúkadar, who held only a limited interest in the greater portion of his domain. Occasionally a man was said to be Zemindar, who had lost all connection for many years with the estate under consideration, though his name might have remained in the Kanúngo's books. As the dicta of those officers were generally followed with little further enquiry, it may be imagined that great injustice was thus perpetrated. Then followed the determination of the amount of revenue. On this point also reliance was chiefly placed upon the doul, or estimate, of the Kanúngos, checked by the accounts of past collections, and by any other offers of mere farming speculators, which might happen to be put forward at the time.† Mistakes of course occurred, and it

* The allowance to the Zemindars was reckoned vaguely at 10 per cent. on the revenue, besides the expenses of management, till the promulgation of Regulation VII. of 1822, when it was fixed at 20 per cent. in cases where an increase of revenue was demanded. The fact was, however, that in the early settlements the produce of the estate was unknown, and the supposed percentage was therefore merely nominal.

was often necessary to readjust the demand, even during the currency of the short leases then granted ; but, on the whole, this part of the system succeeded better than might have been expected. The earlier settlements were in general moderate enough, and the revenue was only raised gradually, as the capabilities of each part of the country became better known.

Great discontent was naturally excited, by these blind and summary proceedings, among those whose interests had been neglected, or overridden, in them. The increased value given to landed rights in general under our administration added to the dissatisfaction thus occasioned. Many a man, who, under a native government, would have been content with permission to cultivate his plot of ground and live, began to see that he was unjustly deprived of the proprietary profit, in which all owners of land were now entitled to share. Numerous complaints were preferred on this ground at times of settlement, or otherwise : but the petitioners were referred for redress, either to the Civil Courts, or to some future period, when the revenue officers would have leisure and authority to enter into such questions. The first of these expedients, and the only one available at the time—viz. that of resort to the Civil Courts, was worse than useless. In the absence of any detailed record of rights, or of the general nature of existing tenures, in the Revenue department, the Courts could do nothing to remedy the errors, which had been committed. They could only make confusion worse confounded. Situated as they were then, and indeed as they are still, the judicial tribunals of this country are in the worst possible position for building up any system of rights, to which they are not guided by the letter of positive enactments. Bound to ~~the spot~~ ^{the spot}, tied down by rigid laws of procedure, and debarred (as if these provinces at least they are taught to think themselves) from admitting any evidence but that spontaneously laid before them by the parties, they must necessarily often be misled by packed witnesses, or partial documents. An honest and intelligent bar, the first requisite for diminishing the evil of strict legal forms among an ignorant population, is still wanting in this country. At the best, each new case comes before the Courts in an isolated form, detached from any general principles, or extended experience, and is therefore liable to every species of misconception. They are scattered over the face of the country, without any mutual communication, and with no provision for securing uniformity of

pains to the work, and enabled him to arrive at more satisfactory results. Such, for

sentiment, except the precedent furnished by the Sudder Court.* These come few and far between, as regards any particular point on which opinions are likely to be divided; while of those which are applicable, some are likely to be erroneous, from causes of which the system, rather than the judges, should bear the blame. If a poor and uneducated man is perplexed by the forms, harassed by the delays, and crushed by the expense, of the inferior courts, how is it to be expected that he can carry up his case, through all the intermediate stages, so as to lay it fully and efficiently before the tribunal of last resort? The principle involved may therefore suffer from the helplessness of the rightful litigant, in the very cases which are to guide future decisions. The consequence of all this was, in the former times of which we are speaking, that not only were the errors of the Revenue Department too often repeated and confirmed in the courts, but decrees were constantly passed, so irreconcilable with truth and justice, that it was absolutely impossible to execute them.

The evils, arising from the haste and ignorance of our early settlement proceedings, were further aggravated by the measures pursued for the realization of the revenue. No record having been made of any sharers, besides the Lumburdars, or actual engagers with Government, much less of the quota of revenue which each sharer was bound to pay, no attempt could be made, when arrears occurred, to discover the real defaulter.† The main expedient, on which the Collectors relied, was to prevent default by keeping watchmen over the crops till the revenue was secured. When this failed, the Lumburdars were imprisoned, and their personal property distrained. The next step was to put up the whole estate to sale to the highest bidder. Many of these sales were got up by the native officers of Government, or by their friends, who themselves became the purchasers at a merely nominal price. The rights of hundreds were thus often annihilated for the default of a few, when the smallest enquiry or consideration would have sufficed to prevent the catastrophe. Many a populous community was thus wrongfully deprived, not only of their privilege of contracting for the

* The constructions, which used to be issued by the Sudder Courts, have been discontinued of late years, owing to what appears to us a groundless objection to extrajudicial interpretations of the law. On the other hand, the printed English Decisions of the Illah Judges now afford those officers the means of learning what the others are doing, and are likely to be of use in this respect.

† When the Tulsildar happened to be an honest and capable man, he might sometimes ascertain this by questioning the people and the Putwari. The defaulter's share was then transferred by a sort of forced mortgage to some solvent sharer, who paid up the arrears; thus, irregularly, effecting what the law intended to do.

revenue, which is the just and proper penalty for real default, but also of their position as hereditary cultivators of their paternal fields. They were handed over, as tenants at will, to the tender mercies of a perhaps fraudulent purchaser, without any provision for the peaceable adjustment of the lands which they were to hold under him, or the rents which they were to pay. What wonder then was it, if the high-spirited Rajpoots often took their own measures to right themselves? if they refused to submit to this summary deprivation of all that they had enjoyed for centuries, and settled their disputes with the new intruder by open violence, or by midnight assassination? The confusion, occasioned in the state of landed property by these combined causes, became at last so notorious that it could no longer be overlooked. The intensity of the evil, which called for correction, is best denoted by the extraordinary nature of the remedy applied to it. By Regulation I. of 1821, a Commission was appointed, and invested with powers amounting almost to a Judicial Dictatorship. Every public or private transfer of land, which had taken place within the first seven or eight years of our rule,* was declared open to enquiry before this Commission, and, if equity should require it, to annulment. Every act of the revenue officers performed in the same period, with all the immediate results of such acts, were similarly thrown open to revision. The previous judgment of a regular Court of Judicature was to be no bar to the exercise of these powers in any instance. We cannot pause now to describe the effect of the expedient thus adopted. On the whole it failed to produce the advantages expected from it. Little was done till 1829, when the Revenue Commissioners became also special Commissioners. They were overwhelmed with the number of suits brought before them in the latter capacity, in addition to their other duties. Difference of opinion also arose between them and the Sudder Commission, to which their acts were appealable—as might have been expected where so much was left to discretion. Their proceedings were thus hampered; the increasing lapse of time made it more and more difficult to restore parties, who had been so long dispossessed: and, at last, it became the great object to clear the files, with as little disturbance of the existing state of things as possible. Many gross cases of hardship and fraud were undoubtedly rectified,†

* From the cession, or conquest, till 13th September, 1810. The preamble to the Regulation is a full and fair confession of the mistakes, which had been committed in all Departments.

but even in these the remedy was imperfect. The inability of stationary tribunals to meet the wants, and thoroughly to understand the position of numerous bodies of men, unskilled themselves in legal matters, was felt even by these courts. Dissensions were often sown in the progress of the litigation among those, who by its issue recovered their rights. Not unfrequently those rights themselves were mortgaged by anticipation, in order to defray the expense of the contest.

We hasten on to the brighter day, which now began to dawn, when it was acknowledged, that the Revenue Officers alone were in a position to correct, as far as circumstances allowed, the errors which had been committed, and to obtain and store up such information as would prevent the occurrence of others of a like nature. Holt Mackenzie, as is well known, was the man to whom this discovery, or its reduction to practice, was due. Of retired and studious habits, and gifted with a keen and comprehensive intellect, his official position had given him abundant opportunities for observing the defects of the past system. He saw that the only way to obtain an accurate knowledge of a practical but complicated subject, hitherto little understood, was to go familiarly among the people whom it concerned ; to talk to them in office and out of office ;* to permit every one, who had any representations to offer, to bring them forward freely, and without expense ; and, above all, to consider each debateable point, not only as it appeared in one particular case, but with the cross lights thrown on it by many other analogous cases, brought under discussion at the same time. He saw that an Officer, who had such means of forming a correct judgment at his command, was best able to hear and decide in the first instance all claims connected with the possession of land, and thus to lay down the general principles to be observed in questions of that nature. Unlike his more dignified brother on the bench, such an Officer could carry on his enquiries on the spot ; could examine witnesses in the presence of their neighbours (the only real check upon false testimony in this country) ; and could procure other evidence, from sources unconnected with either party, till he had fully satisfied himself as to the matter in dispute. He perceived also that the functions, thus described, could be best exercised at the time, when the revision of the assessment was in progress. The

* Holt Mackenzie was a great advocate for relaxing the stiffness of official intercourse with those from whom information was to be gained, or to whom it was to be imparted. His advice to the Collectors was, "*Take your gun in your hand, and go among the people ;*" to the Commissioners, "*Get your Collectors together over a good bottle of Claret, and then talk to them about the settlement.*" We fear that one part of his counsel was often followed without the other.

only sure basis, upon which this revision could rest, was a detailed measurement, field by field, of the whole area under settlement, with a careful classification of the several soils, according to their varied productiveness. Great facilities were evidently offered, during the course of such a measurement, for ascertaining all facts connected with the ownership and occupancy of the land. The opportunity was therefore especially favourable, not only for adjusting actual disputes, but also for placing on record all possible information regarding the agricultural classes; their tenures, usages, numbers, wealth, and whatever else might be considered of interest in connection with them.

These views were fully adopted by the Government, and were embodied in the famous Regulation on the subject, (VII. of 1822), and in the Circular Instructions issued at the same time. Their general wisdom and justice have been amply proved, by the continued growth of revenue knowledge since their promulgation, and by the entire change, thus produced, in the opinions and modes of procedure before prevalent. Nevertheless there were vital defects in the new system, arising chiefly from its author's want of personal experience in the duties of a subordinate Revenue Officer. He was not sufficiently aware of the extent and difficulty of the task, which he imposed upon others. Too much detail was required on all points. In determining the revenue, especially, broad principles were liable to be lost sight of, in the intricacies of a laborious calculation. Arbitrary rates were applied to innumerable arbitrary gradations of soil. No positive objection could be made to any step of the process, but no faith could be placed in its result. The invariable tendency of estimates, thus formed, is to excess in the aggregate. In judicial matters, again, too wide a door was opened to complaints and claims of every description. A Court, which professed to redress every grievance in a land, where might had long made right, was sure to be overwhelmed with work. The minute, and sometimes needless, enquiry, made from each family into the ramifications of their genealogical tree, was likely to excite disputes, which might not otherwise have arisen. The interests of the great mass of the shareholders had before been wholly neglected, but the new measures ran in some hands into the opposite extreme. A spirit of insubordination was thus aroused, quite incompatible with the structure or welfare of the community. Every man wished to be independent of the rest, however much the expense and difficulty of management might thus be increased, both to the Government, and to the people themselves. We have heard of an instance,

er than eighty Lumburdars in a single village.* The same error of attempting too much ran through the whole of the proceedings. A host of men were examined on miscellaneous points; some of which were of importance, but others not worth the trouble of recording. The mere accumulation of paper was in itself a great evil, which would have been felt more, as the revision advanced.

Many of the faults, thus described, were doubtless attributable to misconception on the part of the Collectors, which might have been obviated under more efficient superintendence. There was then but one Board of Revenue, and that was at Calcutta; too distant from the scene of operations to be of any use as a directing authority. All depended on the Commissioners: but of these only one was found with the knowledge and energy, which the position demanded. He will soon come again under our review in a higher capacity. In all the other divisions, each separate Collector was left to act upon his own unaided judgment, and without the necessary relief from his other labours. Some of these district officers were possessed of considerable talent, and had great knowledge of men and things within the sphere of their duties; but the mainspring of the work was wanting. The revision crept slowly on, not by per-gunnahs, but by detached villages; ten or twenty of which were thought to provide occupation enough for a whole year. When ten years had elapsed, since the promulgation of Regulation VII. of 1822, it was calculated that sixty more years would be required in many districts to complete the settlement at the current rate of progress. The system, in short, however admirable in theory, had broken down in common practice, and the only question was, in what way it could best be amended.

This question was determined at a conclave held at Allahabad, under the auspices of Lord William Bentinck, which ended in the enactment of Regulation IX. of 1833. The effect of that law, and of the corresponding instructions afterwards issued in the Revenue Department, may be thus summed up. In the first place, it was no longer to be considered necessary that disputes and claims, of all kinds, and of any standing, should be adjudicated at the time of settlement. The proceedings in this respect were ordinarily to be restricted to cases, in which the cause of action had arisen within a year previous to the date of the complaint. This rule was a good deal modi-

* Soon after these men were installed, one of the old Lumburdars happened to get a new turban and pair of shoes, with which to make his appearance in the Tubsildar's

fied, by the provision, that it was not to apply to suits already admitted on the file, nor to cases in which an order had before been passed that the claim should be decided at the settlement. As it had for years been the custom of the Collectors to engross such an order on the petitions presented to them, most of the disputes, which really required adjustment, were thus still left cognizable by the settlement officers. Means were however provided for submitting these disputes, when it might be found advisable, to arbitration; and the general intention and effect of the new rules was to shorten and facilitate the judicial part of the duty. The tedious estimates of the quantity and value of actual produce, hitherto thought necessary, were dispensed with; and a more reasonable and effective mode of fixing the assessment introduced. The important addition of a field map was made to the other measurement papers, and, together with these, formed the basis of a plan for registering private rights, which, though very minute and complete, was as simple as the object in view permitted. The putwari's annual papers, on which the future maintenance of this registration essentially depended, were put on a new and wholly different footing; and their punctual preparation was enforced by Sections XIV. and XV. of the Act, which rendered them absolutely necessary for the assertion of any claim possessed by a land-owner against his cultivators.

In the year immediately preceding this change in the system, the Western Board of Revenue had been constituted at Allahabad, and had become the principal authority in all matters connected with their functions. The senior Member of this Board was a mild, intelligent, gentleman-like man, with much revenue experience and knowledge, but thrown in the shade, as many an estimable public man has been before him, by a superior colleague. The junior Member bore the now well-known name of Robert Mertins Bird; and on him for many years the task of directing all revenue operations, and especially those of the new settlement, eventually devolved. He indeed was a man of no common order. The first twenty years of his Indian life were passed entirely in judicial duties; yet such was the activity of his mind, that he became, during that period, the best practical revenue officer in the country. This became evident, as has been already observed, on his nomination in 1829 to be Revenue Commissioner in the Goruckpúr division. His views were so clear, and the superintendence which he exercised was so effective, that, if all had been like him, any change in the law might have been unnecessary. In the more elevated sphere which he after-

wider range. A mind, capable of dealing equally with minute details and general principles; stores of information collected by unusual powers of memory and observation; cheerful spirits and unfailing health; together with a robust energy, the "*vigor animi, ingentibus negotiis par*;" these were his qualifications for the great work which then lay before him. On that work he impressed his own stamp, and gave it all its form and feature. From the time that he took the reins in the Revenue Department, in which he long remained quite supreme, the whole conduct of the revision of settlements assumed a new character. Discordant ideas and conflicting theories soon disappeared before the influence of one controlling intellect, though free scope was still left on all needful points for the exercise of individual judgment. Allowed to select his own instruments, he usually chose young men, as being less encumbered and more manageable than their seniors, and less likely to be imbued with prejudices derived from the dark ages of our earlier administration. With these young officers he kept up constant private intercourse, and thus instilled into them his own views, and animated them by his own hearty temperament. Where he reposed his confidence, he did so without reserve. He received the opinions of those employed under him with respect; looked after their interests, defended their proceedings, and fought their battles, as if they had been his own. No better mode could have been devised of cheering those who bore the burden and heat of the day, and of exciting them to unwearied exertion. The result was that in eight years after the enactment of Regulation IX. of 1833, he was able to report to the Government, that he had redeemed his pledge; that the settlement, with some immaterial exceptions, was completed; and that he was at liberty to relinquish his arduous post, and to return to that native land, from which he had been thirty-three years separated. Doubtless there were some shades to the portrait, which we have here attempted to delineate. Such is human nature in this world. The spirit, which is strung and nerved for great enterprises, finds it difficult to deal always patiently with dullness or opposition. The man, who firmly grasps and vigorously defends a contested truth, is apt to bear it, in the ardour of the strife, beyond its proper limits, and to leave it in a position, where it cannot be permanently supported. On points like these we have no wish to enlarge. With all the failings ever imputed to him, of whom we have been speaking, as an agreeable companion, a zealous and most able public officer, a warm friend,

We pass, however, from the character of the man, to that of the measures, which will long be associated with his name. We have already seen the general nature of the landed tenures, which the settlement officers had to define and protect. Let us now take a glance at the main features and capabilities of the country, the assessment of which they had to examine and revise.

The North West Provinces are situated almost entirely in the vallies of the Ganges and Jumna; the principal part of them lying between those rivers. There is little variety in the flat alluvial soil to attract the admiration of a passing traveller, accustomed to the interchange of hill and dale in other countries. Nevertheless, if he leaves the high road, and penetrates into the more secluded parts of the country, he will acknowledge that, even here, the hand, "which makes all nature beauty to his eye," has not been wanting. If he visits the districts to the East of the Ganges, which border on the Sub-Himalayan hills, he will find much of the luxuriance of tropical vegetation, together with a brisk air and healthy climate in the winter months, such as few tropical regions can boast. There he will see the groves, of which Virgil had heard,

"Quos gerit India lucos;
 "—————ubi aëra vincere summum
 "Arboris haud ullæ jactu potuere sagittæ."

The tiger and the elephant still dwell in the remains of the primæval forests; and magnificent mango topes cover large tracts, not yet required for the plough. There the fields are rich with abundant harvests, produced with slight labour, and subject to few uncertainties. The little hamlets, with their low thatched roofs, stand closely together, but do not yet contain a population adequate to the full occupation of the land. Patches of bush and grass jungle are thus interspersed with the cultivation, and relieve its uniformity; nor have the palm and bamboo, the banian and the peepul, yet been proscribed as intruders. Streams and pools abound on every side, and assist in varying the landscape.

If the traveller now crosses into the Duáb, he will perceive a considerable change. There is no longer the same moisture in the soil or climate, nor the same spontaneous fertility. The industry of man has succeeded to the profusion of nature. He now meets with more towns of note from their size or antiquity. The villages are larger, and stand farther apart; while their flat roofs, and the height, to which, in the course of ages, they have risen above the plain, give them an imposing appearance from a distance.

perhaps, at the foot of which they are built; the distance, which the people have to go to their daily labour; all point to those former troubled times, when a defenceless cottage in the open fields was a most insecure habitation. Yet the face of the country is by no means bare or unpleasing, so long as the crops are on the ground. These are raised with greater toil than in the more humid districts, but are generally plentiful, except in seasons of peculiar drought. Wheat, sugar, and rice, are less extensively raised; but cotton, as a valuable article of produce, in some degree, supplies their place. The trees, which love the water side, have disappeared, but many remain; and some of these as the mhowa, the tamarind, and the jamun still attain a noble size. It is not, till the visitor reaches the arid plains to the west of the Jumna, from Etawah to Hissar, on the extreme verge of the British territory, that vegetation really languishes. There the red sand stone hills rise through the hitherto level surface. Except in those favoured spots where wells can be formed, or down the line of the Delhi Canal, the husbandman trusts almost entirely to seasonable rains. The hardy babúl and ferash alone break the line of the horizon; and every thing betokens the nearer approach to the deserts of Marwar and Bikanir.

In common with most parts of Southern and Central Asia, the fertility of the soil in this part of India depends mainly upon artificial irrigation. When the means for this are available, not only will a sandy soil yield a good crop, but the nature of the soil itself is often gradually improved. Vegetable matter accumulates in the course of years from the remains of former harvests, and from the manure, which it is worth the while of the cultivator to expend upon the land. If, on the other hand, water be wanting, the produce is always uncertain; the cultivation is less cared for; and the usually light soil drifts about with the fierce winds of May and June, till pure silex alone is left in it, or till the barren understratum of kunkur, or of red indurated clay, appears. The lands, nearest the villages, are naturally those which receive most attention, and are worked up to the greatest productiveness. These lands often bear two crops in the year, and pay rents of ten rupees, or more, the acre. Their extent varies according to the populousness and prosperity of the village, and to the classes who inhabit it, but seldom exceeds 6 or 8 per cent. of the total area of the estate. Next to these come the second-rate lands, varying up to 12 per cent. of the whole; while the great bulk of the area is thrown into the third or lowest class. This three fold division, with

valent under different names in most parts of the country. Other local peculiarities are of course every where to be found. In the vicinity of the rivers it is necessary to distinguish between the low *khadir* land on the borders of the stream, and the *bangur* land on the level of the high bank. In other places, the gentle undulations of the surface cause a succession of clayey hollows and sandy ridges, each of which has its peculiar products and capabilities. Even in level tracts, there is often much difference in the stiffness and strength of the soil, according as the sand, which forms its principal basis, is mixed with more productive ingredients. Some local soils are noted for their suitability to peculiar articles, as a certain wet clay in the eastern parts of Goruckpur for sugar, and the black soil of Bundelcund for the Al root. The quantity of saline matter in the earth and water is another point, deeply affecting the value of the land. Where the water is brackish, the agriculturist is much restricted in his choice of crops; many refusing to grow at all under such circumstances, and others requiring an abundant supply of rain water to counteract the quality of that drawn from the wells. Where much soda is present in the soil, large plains are found entirely destitute of vegetation from this cause, nor has any remedy yet been discovered for the sterility thus produced.

Without therefore entering into that minute classification of soils, once thought necessary, but which only bewilders and misleads, there is abundant scope for discrimination in the measurement, which is to constitute the basis of a settlement. The existing division of the land, into estates of a reasonable size, and of these into fields, affords every facility for the purpose. Indeed it is upon this distribution of the whole territory into convenient portions (each of which, while it is small enough to be uniform in its nature and relations, is of sufficient size to be separately considered and classed) that the whole system now under discussion must be held to rest. We must refer to the **D**irections (Sections II. and III.) for an account, of the manner in which the survey and measurement proceed, as well as of the important preliminary work of determining boundaries. None can appreciate the value of this last named operation in diminishing the causes of animosity and strife, save those who remember the state of things before it took place. On this part of the subject we would only remark, that it seems to us an error to commit the preparation of any portion of the khusra, or native field measurement, to the superintendence of the surveyor. Something may at first be gained in expedition and

surveyor will take the same interest in the correct performance of this duty, as the officer, who has to depend on its accuracy for the whole of his future proceedings. It is necessary (see Par. 39 and 40) that the khusra should be tested and completed by the settlement officer; and it is therefore better that he should have the whole preparation of it. It is also a mistaken economy to confine the khusra measurement to the cultivated and culturable land. The barren waste, the site of villages, in short, the whole estate, should be included in it. The total area, thus found, may then be tested by comparison with that given by the professional survey, on which full dependance can be placed. The correctness of the details of the khusra measurement must be provided for by separate examination, which, with the establishment always organized for the purpose, is readily and satisfactorily effected.

We will now suppose a settlement officer to have collected his materials, and to be commencing the assessment of a pergunnah; and we will follow him sufficiently to give an idea of his mode of operation. He has before him a professional map of each village, on the scale of four inches to a mile, at the head of which is entered the total area, as shown by the survey, and such other statistical information, regarding the number of houses, ploughs, wells, &c., as the surveyor had been able to collect.* He has also a pergunnah map of one mile to the inch, showing the boundaries of the several villages, and a third map of the whole district, which gives the limits of the pergunnahs, but not of the separate estates. These two last are of use in enabling him to lay out his work, and to obtain a general view of the relative position of the several localities. The first, after it has served its main purpose of testing the khusra, is again of value when the assessment is under consideration, as it gives a clear notion of the shape and chief natural peculiarities of each estate, and affords a good guide for personal observation upon the nature of the soil and crops. It is, however, on the native measurement papers that the work mainly rests. These consist, first of a pen and ink plan of the estate, showing the position and form of every field, as well as the disposition of the uncultivated land; and, secondly, of a khusra, or measure-

* It used to be the custom for the surveyor to give the extent of cultivated and culturable land also, for which purpose he kept up a special establishment. This was expensive and unsatisfactory, as from the nature of the operation only proximate results could be attained. Nor can the statistical entries be relied upon, till they have been re-examined by the other means at the settlement officer's disposal. They might therefore be left to that officer altogether. The duty of the surveyor is to give

ment register, in which are detailed the dimensions and extent of each field, the name of the cultivator, the nature of the soil the fact of its being irrigated or otherwise, and the crop grown on it in the current year. The entries in the khusra are numbered in consecutive order, corresponding numbers being inscribed in the plan, or field map, upon each plot separately measured; so that reference can easily be made from the one paper to the other. At the foot of the khusra, the whole area of the estate is summed up under its several heads; and the aggregate of these entries for all the villages gives the total land of each denomination in the pergunnah.

The first step in the operation is then to take an extended view of all circumstances relating to the entire tract under settlement. The collector's records will show the demands, collections, and balances, on account of the Government revenue of the whole pergunnah, for the last 20 or more years, and will furnish further information, regarding the degree of ease, or of difficulty, with which the collections have been made. The measurement papers afford the means of comparing the rate, at which the assessment falls on the land, with that of neighbouring pergunnahs in the same or other districts. The general facts of improvement or deterioration in the means of the proprietors; of the spread or decrease of cultivation under the present demand; in short, the signs of a light, or of a severe, assessment, are matters readily ascertainable, and not to be mistaken or concealed. The extent, to which property has compulsorily changed hands, whether for arrears of revenue, or by decrees of the Civil Courts; the proportion which the culturable land bears to that under crop; and the opinions of respectable natives acquainted with the spot, will easily lead to safe conclusions upon these heads. The information, thus obtained, will point out, within narrow limits, what the future demand from the pergunnah should be. Another mode of building up this estimate is, by going over every estate seriatim, having previously arranged them all in a form,* which brings prominently forward the apparent inequalities of the present assessment, and by roughly calculating the probable alteration in the jumma† of each. The aggregate of the separate jummas, thus found, will give the probable new pergunnah jumma. A third mode is by enquiring into the prevalent rates of rent, or into the rate, at which the revenue falls on the particular villages known to be fairly assessed. These rates, when applied to the pergun-

* See Par. 54, and Appendix No. VIII. of Directions for Settlement Officers.

nah area, will give a proximate rental, or jumma, for the whole. Recourse may be had to all three methods, as a check upon each other; but we conceive that the first is the one upon which most reliance is commonly to be placed. The second is necessary, when some parts of the pergunnah are in a much worse state than others;* as a review of the history and condition of the whole tract may in that case lead to no certain results; but it involves the disadvantage of a double operation, as regards the determination of the jumma of each village; and there is danger, lest the first rough enquiry upon this point should too much influence the subsequent more deliberate consideration of it.

A proximate rental, or jumma, or both, being thus found for the whole pergunnah, the next process is to ascertain how this would fall upon the several component villages; taking the measurement papers as the guide. For this purpose average rent and revenue rates have to be obtained. The rent rates are supposed to have been already ascertained, as mentioned above, by preliminary enquiries; being those on which the assumed rental of the whole pergunnah was calculated. The revenue rates are deduced from these rent rates, in the proportion in which the total assumed jumma for the pergunnah differs from the total assumed rental. This proportion will vary, inasmuch as the probable jumma is computed not merely from the roughly assumed rental, but on other considerations also. Thus, if the proposed jumma is 35 per cent. less than the assumed rental, the deduced revenue rates will be 35 per cent. less than the assumed rent rates, for each denomination of soil.† The application of the rates, thus found, to the land of each village will show precisely how much that land should pay; supposing that the pergunnah estimate is correct, that full reliance can be placed on the measurement, and that nothing else intervenes to modify the conclusion thus arrived at. It is now, however, that the judgment and penetration of the officer, who conducts the proceedings, come into play. He has, on the one hand, to avoid too rigid an adherence to what is only intended as a standard of comparison, and, on the other, to equalize the public burdens, as far as is safe and practicable. The degree,

* Where the productiveness of some parts of a pergunnah differs (from natural and permanent causes) from that of others, the villages should be classed in chucks, or circles, and the process for each of these should be the same, as is here described for the whole. For an instance, where this plan has been followed with much care and labour, see the Agra Settlement Report, by Mr. C. G. Mansel.

† The object of making the calculation in this manner is to secure a proper proportion between the revenue rates for different classes of soil. This can only be attained by making them bear the same ratio to each other as the assumed rental bears to the assumed jumma.

in which he may be able to follow the easy and rapid plan of assessing each village according to the estimate by average rates, will depend much on the moderation of his entire demand on the pergunnah. Where this is light, the rates deduced from it are of course light also; and there is less danger of future failure in following them as his principal guide. Still, however low he may fix his standard, some of the worst estates may suffer from too close an adherence to it; while a larger amount of revenue might doubtless have been safely obtained from all the better estates, under a more deliberate course of procedure. A careful officer will therefore test the results of his average rates by every possible means at his disposal. He knows what every village has paid in former years, and how it has paid it; whether with apparent ease, or by constant compulsion. He knows the condition of the village, and the circumstances of the proprietors. He can form a pretty good idea, by riding over the land, whether it is of more or less than the usual fertility. He has the estimates of the tuhsildar, kanún gos, and others, as to the real capabilities of the estate. Above all, he can often obtain satisfactory information regarding the actual rents paid by the cultivators to the proprietors, or, at least, of the rate at which those rents are calculated.

This last expedient is, where practicable, the most satisfactory of all. When it is known how much a property has actually yielded, for a series of years past, to its owners, the Government share of the proceeds may be determined with a confidence not otherwise attainable. We believe that the fact in question can be generally ascertained with sufficient exactness, wherever money rents prevail, and the land is occupied chiefly by rent-paying cultivators.* Even then, however, it is useful to know how far the actual rental, exceeds, or falls short of, what the estate would pay on the average of the pergunnah. Where this difference is great, it either arises from the skill and industry of the people being more or less than is usually to be found, or from particular circumstances favourable, or the contrary, to the full development of the powers of the soil. If the former of these be the cause, justice, as well as policy, will require, that the indefatigable Jât shall not be reduced by disproportionate taxation to the level of the dissolute Gujur; if the latter, it will be right to remember that circumstances may change during the thirty years' term of settlement, and that both extremes, of a too heavy, or too light, assessment, should conse-

* The Muzaffernuggur settlement report shows, that this information can be satisfactorily obtained, even in the much more difficult case, where rents have been almost

quently be avoided. It is true that a rich and well cultivated village must always pay more to Government than a poor and unproductive one, though the extent and original quality of the soil may be the same. Complete equality of taxation cannot be attempted; but the estimate by average rates, when properly used, will prevent any needless or extravagant deviation from it.

The sum, which each estate should be called upon to pay, having been thus estimated with all the care of which the operation is susceptible, it remains only to obtain the consent of the people to the terms proposed. The importance of this step in the process must not be overlooked. The work of assessment is not a purely arbitrary one on the part of the Government officer; all his labour will have been in vain, if the result should prove to be excessive, or unreasonable. Every proprietor has the option of declining to engage on the conditions offered him; the only penalty being his exclusion from the management for a period of twelve years, at the close of which he may again claim to be admitted. In such a case, the settlement officer must make other arrangements for the realization of the revenue, either by leasing the estate to a farmer, or by collecting the rents direct from the cultivators. But, whichever of these courses be followed, he will have to provide, in addition to his original demand, for the malikânah allowance, claimable by the excluded proprietor; which by law must not be less than five per cent. on the revenue. It will therefore soon become apparent, whether the owner had good grounds for his refusal; and, if so, there is no remedy but to confess the mistake, and reduce the demand. We have here supposed, what is usually the case, that the instances are comparatively few, in any tract under settlement, in which the proposals of the officer employed do not meet with ready compliance. But it does sometimes occur that very general dissatisfaction is shown by the land-holders. A large proportion of them either decline signing their engagements at all, or they do so under protest, and immediately appeal to the higher revenue authorities against the severity of the terms offered them. Further enquiry and consideration are, under such circumstances, indispensable; and it becomes incumbent on the officer employed, either to revise his proceedings, or to prove indisputably that they are not open to fair objection. It is not of course intended to assert, that the mere acquiescence of the people is, in itself, an unerring test of the settlement officer's moderation; or their apparent discontent, of the contrary. Very loud and general complaints have often arisen from no cause.

hand, been given, in seasons of temporary prosperity,* to terms which could not be fulfilled in ordinary years. Still the power, possessed by the people at large, of forcing a re-consideration of the assessment, and the obligation to pay Malikanah to recusant proprietors, are valuable checks on the proceedings, and place them in the light of a fair bargain between independent parties, rather than in that of a despotic demand on the one side, and of unavoidable compliance on the other.

The method of fixing the assessment, as it has been above described, will vary more or less in different hands, but its chief features will remain the same. Its essential principle is that, while it does not neglect the consideration of details, it sets out with wider and more comprehensive enquiries. From the result of these it obtains a standard, which it applies to all the individual cases, not indeed as an invariable guide, but as pointing out where discrepancy exists, which should either be remedied, or accounted for. In point of accuracy, this system has been proved to be far superior to the more laborious mode pursued under Regulation VII. of 1822. No means of comparison with other extensive data then existed; and, for want of this, the voluminous computations, prepared for each particular estate, led only into frequent error. In point of rapidity, the progress made in a given time under the new plan is probably ten times that effected by most officers under the old. The saving of expense to the Government, and of annoyance to the people, is proportionate.

It is evident that, under the plan thus sketched out, no accurate computation of the proportion, taken for Government from the proceeds of the land, is either made or required. The general rule has however been to leave to the Zemindars from 80 to 88½ per cent. of the gross rent, which is, or might be, levied from their estates, wherever that might be ascertainable. Supposing that this rule has been observed, and that the rent ordinarily represents from two fifths to half the gross produce, about 30 per cent. of the latter will go into the coffers of the State.† In the more fertile and best irrigated portions of

* Such a season of unusual prosperity prevailed in Bundelcund in the years 1815-16, when Scott Waring made his memorable settlement, and nearly ruined the province. The demand for cotton, and the high price of grain, encouraged the people to enter into engagements, which broke down miserably, as soon as these advantages ceased. The eagerness of the Government officer, however, outran, in this happily unparalleled instance, even the sanguine confidence of the people. He should have taken warning from the fact, that, in 178 instances, he was obliged to lease out estates to farmers, as the proprietors would not accept his terms. See report on Pergunnahs, Mondha, &c., in Hamirpūr. Par. 38, and on Calpi, &c., Par. 20—23.

† We have attempted, but with little success, to arrive at some trustworthy conclu-

the Duáb, this estimate (though probably somewhat too high) may not be far from the truth; but, wherever the cultivators pay in kind, or, from poverty of soil, the crops are uncertain, or waste land is abundant, the proportion of the total produce, absorbed in the payment of either rent or revenue, is respectively much less than above stated. Thus in Muzuffernuggur (see Report) the rent is only $31\frac{3}{4}$ per cent. of the gross produce, and the revenue only $20\frac{1}{4}$ per cent. If the Bareilly officer, mentioned in the note, was correct in reckoning the value of the gross produce in that district at 8 Rs. 6 as. 9 pie per acre,* the revenue, which falls (see Statistical Memoir) at 1 Re. 14 as. 3 pie on the cultivated acre, will be $22\frac{1}{2}$ per cent. of the produce. In Goruckpúr it is probably not more than 12 per cent. On the other hand, there may be considerable tracts of country, in which the proportion, enjoined upon the Settlement Officers, has been inadvertently exceeded. This may have occurred, where the land was almost wholly cultivated by the proprietors themselves. It is not always easy to distinguish accurately the profits made by such men in their double capacity, as farmers, and landholders; while their enjoyment of these double profits, and the circumstance of their being generally excellent agriculturists, enable them to bear up against a heavy demand without complaint or difficulty.

Let us now turn our attention to the other main branch of the subject; viz. the mode in which the remaining share of the pro-

England, there is much uncertainty upon this subject; so the want of satisfactory data in this country is the less wonderful. We have now before us a number of estimates, all put forward with some confidence by their authors, but differing widely from each other. We will put their results, as regards the great staples of wheat and barley, in juxta position.

PRODUCE PER STATUTE ACRE IN LBS. AVOIRDUPOIS.							
	1	2	3	4	5	6	7
	<i>Irrigated.</i>	<i>Irrigated.</i>	<i>Non irrigated.</i>	<i>Irrigated.</i>			
Wheat....	1845.	1571.	1080.	1234.	1046.	653.	794.
Barley...	2904.	1832.	1098.	1186.	1315.	606.	898.
							824.

No. 1, is deduced from several trials, lately made by an intelligent English Zemindar in the Muttra district. No. 2, gives the opinion of Captain Brown, formerly Surveyor in the Northern Duáb. No. 3, is taken from Mr. Mansel's Agra Settlement Report. No. 4, is the result of numerous trials, made about 1830, by a well known revenue officer in the Bareilly district. Nos. 5 and 6, will be found in the Muzuffernuggur Settlement Report by Mr. E. Thornton, the first being extracted from actual village papers for large areas, and extending over fourteen years; the second, the result of immediate experiment upon 11,419 acres of Wheat, and 1,020 of Barley. The 7th is from a Statistical Report upon the Cawnpore district by Mr. R. Montgomery. It will be observed, that the three highest estimates for wheat, and the two highest for barley, relate solely to irrigated land. The Muzuffernugger estimates, on the other hand, on which we should be inclined to place great reliance, are formed chiefly upon dry cultivation. From our own experience, we should say, that 1,200 lbs. is a high average for irrigated land, and 700 lbs. for that, of which a considerable proportion is dry. The first of these does not contrast unfavorably with the more expensive and skilful cultivation of

duce, after deducting that taken for the State, is divided among those entitled to enjoy it; and the provision made for protecting and recording all private rights connected with the land. In order to explain this, we must again revert to the distribution of the land into the fields, which, as we have said, forms the foundation of our system. As the classification of the separate fields, under different heads, according to their relative productiveness, was the first step towards the determination of the assessment; so the arrangement of the same fields, under the names of those who own and occupy them, must precede any attempt to adjust or record adjusting rights. This is effected by means of the *Múntukhúb*, or *Kutehnee*, which is nothing more than a list of the cultivators (whether proprietors or otherwise), disposed according to the subdivisions of the estate in which they hold lands. Under each man's name are entered seriatim his several fields, with the number and area of each, as detailed in the *khusra*. There are also columns for the rate of rent, and for the total sum payable on each plot of ground. When the cultivator is himself a proprietor, and pays, by a varying rate, or "*bách*," these columns are of course left blank; when he pays in kind, the proportion of the crop demandable from him is specified. From the *Múntukhúb* an abstract is prepared, called the *Tírij*, which shows only the total of each subdivision, and of each cultivator's holding within it—omitting the detail of fields. Whatever may be the size of the entire estate, and however great the number of subordinate divisions and separate tenures contained in it, this abstract shows them all with the utmost clearness, and renders the most complicated arrangements easily intelligible. When corrected, as they should always be, after the conclusion of the settlement, the *Múntukhúb* and *Tírij* will show the *Lumburda* of each *Thok*, the several sharers who cultivate in it, the cultivators possessing rights of occupancy, as well as those who are mere tenants at will, the actual lands owned and cultivated by every individual of these classes, and the sum annually payable by each, so far as it admits of specification. The holders of rent-free lands are also entered, with a list of their respective fields. It is easy to see how a record of this kind must elucidate all future claims and disputes, whether arising between landlord and tenant, or on any other point relating to landed property. At the same time it is obvious, that the entries, contained in these papers, would shortly become obsolete and incorrect, if no steps were taken to secure their periodical revision. This is provided for

principal headings, correspond with those of the settlement *Muntukháb* and *Tirij*; and, by means of them, the information, which it is so important to have always available, is at any time forthcoming in a corrected form.

Many questions will, however, arise, both in Judicial and Revenue proceedings, which a mere record of the above nature would not suffice to decide. In order to anticipate these, as far as possible, before actual disputes arise, and parties become unreasonable, a different expedient has been adopted. This is the mutual agreement, entered into by the body of sharers at time of settlement, which is known by various names; we will term it the administration paper. For an enumeration of the points, which this agreement should embrace, we must refer to par. 167 of the Directions, and for supposed specimens to pp. 178—199, and pp. 230—235, of the English Settlement Misl. It must be observed, that these specimens are more than usually complicated, in order to include many different modes of management.* No fixed form can be prescribed, in which this paper should be drawn up; it will vary in every case according to circumstances. The great danger to be avoided, is the *suggestion* of stipulations and conditions by the Government officer, which he may think desirable, but which the people themselves would not otherwise have adopted. These are often heedlessly agreed to; but great discontent, or absolute confusion, arises when, on after occasions, it is sought to enforce them.† Caution being observed on this head, the more fully and accurately the agreement can be made to represent the real customs and wishes of the community on all questions of probable actual occurrence, the greater of course will be its value. It should, at all events, show the extent of the different existing shares, and the proportion of the revenue payable from each, or the mode in which that proportion is to be annually calculated; as well as the contingencies, if any, under which the present arrangements may hereafter become open to alteration. The practical question of most general importance, among the Hindu village communities of Upper India, is whether, and to what extent, the right of succeeding to landed property, under the national law of inheritance, is in force among them. It is easy to understand how this question has arisen. Under the native governments no proprietary profit, strictly so called, was attached to the

* For actual specimens, see appendix to Agra Settlement Report, and an article on the Settlement in the Meerut Magazine, No. 16.

tenures enjoyed by these agricultural bodies. The maintenance, which each man drew from the soil, was the product of his own labour, assisted by his own individual resources. The community held a kind of joint farm, in which the land, assigned to each member, was proportioned to his means, and rose or fell in extent, as those means increased, or were diminished. The brotherhood in general may be held to have been proprietors of the whole area; but no single member could assert his personal claim to any land, except that actually in his occupation. There would have been no advantage at that time in changing this state of things. The collective body was prosperous, or otherwise, according as their united means were more or less equal to the improvement of the entire estate; and the more any individual could contribute to this result, the larger share was willingly allowed him in the joint property. Even common tenants at will were often admitted to hold their lands on the same footing as the members of the brotherhood, in order to secure their assistance in keeping up the cultivation.* But the case was altered, when the country came under British rule; and the ownership of land became more valuable. If a man could not himself cultivate the whole of his ancestral lands, he could now underlet them, and still enjoy the proprietary profit accruing upon them. Moreover, the establishment of courts of judicature, bound to decide, as a general rule, according to the written laws of inheritance, drew attention to those laws, and excited hopes in men, who would benefit by their application to their own claims. Much alteration has thus been gradually effected in common opinion and practice. Among Rajpúts, especially, the authority of the ancestral tree has often been fully recognized by the mutual consent of the sharers; and either the land, or its profits, are distributed according to the scale thence derived. The same has occurred in estates, which have passed through the special commission, or have otherwise been much subjected to litigation. The Jâts, on the contrary, and other essentially agriculturist classes, have usually retained their old customs; the interest of each sharer in the property being measured by the land, which he from time to time cultivates. The administration paper must therefore be particular on this head, whenever any doubt can exist regarding it.

As the annual jumma bundí is intended to keep up the record of the proprietor, cultivator, and rent of each field, so the continued correctness of the specification of shares, as entered in the administration paper, is provided for by another of the

annual returns required from the putwaris. This is the register of proprietary mutations, whereby the changes, which may take place in any year, are clearly shown in the papers for that year: and the record is thus constantly altered, so as to correspond with the true state of things. This register is entirely independent of the other one, kept up in the collector's office, which is only intended to show the changes among the lumburdars, or principal managers, of each estate.

The mode of determining the position of the ryots, or cultivators, in relation to the proprietors, remains to be adverted to. This is a subject, which has been at various times much discussed, but often misunderstood. Many have drawn their impressions regarding it from the known consideration shown to the "ryots" under the native governments—forgetting that the rights, recognized under that title, were chiefly those of the cultivating communities, whom we now style zemindars. The peculiarity attaching to these hereditary and proprietary cultivators, as compared with all others, lies in the independent origin of their tenure. They occupied the land, and made it productive, without needing the permission, or requiring the assistance, of any other private party. Hence they retain a special claim to protection, even when they have lost by default the *malguzâri* right, or privilege of contracting for the revenue. It is usual for the Government officer to accord them this protection, by fixing their rents for the whole term of settlement at rates somewhat lighter than are paid by other ryots. All other cultivators differ from these, in having been originally located on the spot at the will, or with the help, of the landlord: and it is only in the rare case of some express agreement with that landlord, that they can claim to hold their lands permanently at a fixed rent. Enquiry, however, has shown that there are two grades of these non-proprietary cultivators. The one consists of those, who are merely tenants at will, and who hold on from year to year at the pleasure of the Zemindar. The other grade have a *primâ facie* right to protection—the 'onus probandi' resting upon the Zemindar, who may wish to raise their rents; nor can they be dispossessed, so long as they pay the amount legally demandable from them. It is difficult to lay down with precision the grounds of the distinction between these two classes; but it is found in practice, that, if the question is taken up before any dispute has arisen, it may generally be decided to the satisfaction of all parties.* All doubtful cases are best disposed of by arbitration. A tenant may obtain admission into the more pri-

vileged grade by having overcome great natural obstacles in re-claiming the land from waste, by the subsequent expenditure of capital upon it in a permanent form, or by prescription under long-continued occupancy. The tenure, thus acquired, descends to immediate heirs, but cannot be transferred to another without the permission of the landlord.

It is therefore the duty of the settlement officer to determine the position, which each ryot is entitled to hold, and the amount of rent, which he is for the present bound to pay. The result of his enquiries and decisions upon these points will be shown in the first instance in the settlement *Múntukháb*, and afterwards, year by year, with such changes as may be necessary, in the *putwari's jummaabundi*. The rents, entered in those papers against each man's name, will remain in force, as regards the dispossessed proprietors first mentioned above, till the Government demand itself is again revised; and, as regards both classes of non-proprietary cultivators, till altered by mutual consent, or by the order of a civil court. As the law stands, a Zemindar cannot oust even a tenant at will, or arbitrarily raise his rents, without first suing in court for that purpose. Should he be driven to that course, he ought at once to obtain a decree, on the bare showing of the settlement record; but, in point of fact, a ryot of this grade will seldom resist the demand made upon him. If, however, the Zemindar should bring a suit for enhancement of rent against a tenant of the other, or privileged, class, the court will require him to show good and sufficient cause for such a claim. He will have to prove, either that the former rates were inadequate as compared with those paid in the neighbourhood; or that the tenure had increased in value in consequence of improvements effected by himself, or by the State; or that some other permanent change had occurred, which entitled him to demand more from the land than he had hitherto received.

The arrangements, thus detailed, provide sufficiently for the various interests of the proprietors and cultivators, whenever the former were found in direct relations with the State. But we have already alluded to the numerous instances, in which a Zemindar, or Talukadar, had been admitted by the former Governments to an intermediate position between themselves and the proprietary occupants of the soil. Wherever this state of things has been found still to exist; that is, wherever a village was still occupied by the descendants of its original owners, who had never lost their rights by any legal means,

two equally authorized measures. In single villages, or comparatively small properties, the recorded Zemindar has been usually maintained in his position, as Sudder Malguzar, or payer of the Government revenue, and the subordinate proprietors have been protected by a sub-lease, on terms fixed by the settlement officer. But in all the larger tracts thus circumstanced, the Talukadar, or Zemindar, has been set aside, and the village land-holders have been permitted to engage directly with Government. In these cases the superior landlord has been compensated for his exclusion from the management by an allowance variously calculated, but the minimum of which is considered to be 10 per cent. on the amount payable to Government. It is evident that either of these courses involves a diminution in the public receipts; for the usual proportion of the rent cannot be appropriated by the State, when two parties, instead of one, are to be supported from the remainder. On this ground alone, independently of all others, the civil courts, having no jurisdiction over the revenue, could never have taken the initiative in proceedings of this nature. Any person, however, who may be dissatisfied with a judicial order passed by a settlement officer, is at liberty to bring a regular suit in the civil court within a limited period* to set it aside; and this option has been extensively exercised by the former recorded proprietors in the cases under mention. The suits, thus brought, have been tried always, in the first instance, and frequently also in appeal, by the uncovenanted judges; and the result has not been satisfactory. Notwithstanding the clear tenor of the law, and of the corresponding instructions from the Sudder Dewanny Adálat,† the lower courts have shown themselves most reluctant to allow, that two parties may possess heritable and transferable interests of different kinds in the same land. Their strong tendency has been to look only to the records of past settlements, though these were confessedly imperfect or erroneous; and, finding the plaintiff therein mentioned as Zemindar, to consider him as being still the sole and exclusive proprietor. This feeling on the part of the inferior courts, together with the expense and delay of a civil suit, felt of course most by the poorer party, have caused many of the decisions to be adverse to those passed at the settlement; and it has not been always possible to have these proceedings set right in appeal. In what we have here said, we do not mean to deny that errors may have been committed by the revenue officers in the disposal of these difficult questions. The strong and legitimate feeling in favor of the village zemindars, who had been so

long deprived of their full rights, may doubtless have led occasionally to the recognition of ill-founded claims to the same title and privileges. Even when the settlement award was substantially correct, the record of the investigations, on which it was founded, was often meagre and obscure, owing to the mass of work then on hand, and the consequent necessity of curtailing all the proceedings as much as possible. We only regret that the revision of the settlement decisions was not entrusted to men, as well qualified by talent, education, and knowledge of the subject, as those were, who originally passed them; and that it has necessarily been conducted under circumstances less favourable to the ascertainment of the truth.

We cannot do more than cursorily allude to minor objects of the settlement; such as the arrangement of many matters regarding rent free tenures, whether resumed or released; the division of estates, where the owners may wish it, or where it may be otherwise desirable; the assignment of a proper provision for the village police; and the adjustment of all outstanding questions of account between the Zemindars and the Government. Enough, however, has been said on the more important parts of the work to show the great advantages derivable from it. In order to exemplify this, we cannot do better than contrast the proceedings in any judicial case, carried on without the assistance of settlement records, with those which would now be held in a similar case in the N. W. Provinces. Let us select the suit decided by the Calcutta Sudder Court on March 24th 1831, and published at page 102 of the 5th volume of that Court's printed reports. Here Ramnarayun Naga had sued Mussummat Deb Rani and others for enhanced rent on the land held by them as cultivators. If any one will take the pains to examine the report of this case, he will see, that, after fifteen years litigation in all the courts, up to the Sudder, and the deputation of three distinct officers to make enquiries on the spot, the only point decided was, that the defendants were not privileged to hold any lands at fixed rates. The extent of land in their occupancy, the question whether any part of that land was exempt from the payment of rent, and the amount demandable from the portion not so exempt, were all disputed points, and were all left as doubtful, as if no investigation had taken place. The plaintiff, in short, was very little nearer the attainment of his object than he had been at the first; and he was led distinctly to expect another course of law, such as he had already gone through, if he persisted in his claim. Suppose, now, that a similar suit were to be brought forward in the Duáb. Of all the above debateable points, the only one, which the mere inspec-

the future rent; ~~Supposing~~ the defendants not to be recorded as entitled to hold at fixed rates. This question would be brought immediately to a hearing, without being complicated or delayed by any extraneous doubts or objections, and might probably be settled at once, by referring to the recorded rates, paid by other cultivators on similar lands, in the same, or adjacent villages.

The benefit of the records, which we are considering, would be still more sensibly felt, if the suit were for a share in one of those estates, mentioned above, in which the interests of the numerous proprietors depend upon the the extent of land in each man's occupancy, and not on the laws of inheritance. From ignorance of this distinction, the civil courts used long to grant decrees for fractional shares under the laws in question, when the estates, in which the shares were claimed, had been, from time immemorial, separately portioned out on a totally different principle. No such decree could be enforced without disturbing the possession, and injuring the rights of numbers in no way connected with the suit: and in fact many of them could never be executed at all. The settlement has now afforded an ample safeguard against errors of this description. Wherever the above tenure prevails, the plaintiff is required to state the exact fields, with their numbers, in the Muntukhub, which he claims to transfer from the possession of the defendant to his own.* The suit is thus placed with precision before the Court, and is decided without any annoyance to the rest of the community. In fact it is hardly possible, that any dispute, connected with land, should now be brought forward, on which much light may not be thrown by reference to the Collector's office.

In the Revenue Department itself, the difference between the former and present state of things is obvious. There is no more call for constant interference in the internal concerns of the villages, than there was before; rather the contrary, as it was the previous confusion and uncertainty which used to render such interference necessary. Provided every thing goes on smoothly, years may elapse without a question being asked, or the presence of a Government official on the spot. But whenever default occurs in the payment of the revenue, it is instantly known with whom it originated, and that party is first required to make good the deficiency. If it finally become necessary to call upon the other sharers, under their acknowledged joint responsibility, to pay the arrear, the tenure of the actual defaulter is in return transferred to them, either temporarily, or in perpetuity. The increased ease and certainty, with which private transfers of landed property may now be made, is a distinguishing feature of the new system. Formerly it was

difficult to say, or at least to prove, what the precise interest was, which thus changed hands. Now, whether that interest consists of separate lands, or of a share in the common profits, all needful information regarding it is immediately available. This has both facilitated the investment of capital in land, and increased the value of such property in the market.

So far then as the scheme of the settlement has been fully carried out, it may be considered that the the objects, contemplated in it, have been satisfactorily attained. It must not however, be supposed that this is hitherto universally the case. It could hardly be expected that, on the first introduction of a measure requiring so much judgment, care and diligence, it should be at once completed, with equal accuracy in all its parts, by the many different agents entrusted with its execution. Errors and omissions of one kind or another could not but occur; and it is only by experience that these can be brought to light. The amendment of these defects, as soon as they are discovered, as well as the maintenance of the arrangements, when perfected, must therefore rest with the regular revenue establishments; all of whom are now invested with the needful legal powers* for the former purpose. In the performance of this duty, great assistance will be derived from the Native Deputy Collectors, appointed under Regulation IX. of 1833; whose patience, assiduity, acquaintance with the country, and generally high character, fit them admirably for the work. In this view, too, the advance which has taken place under the late operations in the respectability of the putwaris is of much importance. Not only have the jurisdictions of these village accountants been revised, and their emoluments defined, but the closer intercourse, into which they have been thrown with their European superiors, has tended to increase their intelligence, while the corrupt or incompetent have thus been detected and weeded out. The annual returns now required from these men, are not to be prepared without some degree of ability and carefulness, so that the present higher standard of efficiency is likely to be maintained, or even carried still further.† The advantage of this improvement will be duly estimated by every public officer, whether judge, magistrate, or collector; for all have frequent occasion for the testimony of a sensible and independent witness on matters connected with the internal affairs of a village. It is, however, of special consequence, as it concerns our present

* Under Section XX, Regulation VII, of 1822.

. . .

† Several short treatises have been provided by the Government for the instruction of these officers in their duties, and have been introduced into the country schools, in which the putwaris receive their education. A further and still more important

subject, since it affords the means for counteracting the chief obstacle to the stability of the settlement arrangements. We refer to the frequent change in the shape, size, and number, of the separate fields, on the correct classification of which, it has been seen, that the whole system mainly rests. This difficulty is for the most part confined to light sandy soils, and to lands subject to inundation, in which the action of the wind or water continually effaces the former lines of division, and occasions a new demarcation. It is less felt in stiff soils, especially where artificial irrigation is used: but even there, in the course of time, great alterations may occur. It depends, then, on the putwarí to keep up the connection between the khusrah and field map, with the other papers founded on them, and the varying disposition of the fields themselves. So long as the changes are confined within narrow limits, he can designate the new fields by the numbers of those, of which, either wholly or in part, they occupy the place. But if the alteration should in time become so general as to render the settlement papers totally inapplicable, the putwarí should be able to recast them altogether; for which purpose a new measurement, field map, &c. will be requisite. That this work can be efficiently performed by officers of this description has been found by experience in Bolundshehur, Muttra, and elsewhere; and the measure must be resorted to, whenever the necessity arises.

The total expense incurred in the revision of the settlement from 1834-45 to 1845-46 (which does not however include the earlier operations) is estimated at fifty-four lacks of rupees. Of this rather more than twenty-two lacks were connected with the Professional Survey; and the remainder was expended in the salaries of settlement officers, and in temporary extra establishments. We have been unable to obtain any exact account of the alteration effected by the revision, in the Government rent roll. The following statement will however throw some light on the subject. It shows the average annual collections, in the ceded and conquered provinces, for quinquennial periods from 1807-8 to 1846-47. Unfortunately the Delhi Territory is not included in this return,* which would otherwise be complete. For the first three periods, the totals only can be given:

* As far as we have been able to ascertain from the best information available to us, the account for the Delhi Territory will stand as follows:—

Average collections on account of land revenue for five years previous to commencement of settlement.....	Rs. 27,85,912
Ditto ditto for five years after its conclusion.....	32,70,727
Increase.....	4,84,815

Of this increase, however, about Rs. 8,19,000 are derived from resumed lands and lapsed jaghírs, and the remainder is partly owing

Division.	1807-8 to 1811-12.	1812-13 to 1816-17.	1817-18 to 1821-22.	1822-23 to 1826-27.	1827-28 to 1831-32.	1832-33 to 1836-37.	1837-38 to 1841-42.	1842-43 to 1846-47.
erut.....	57,58,125	52,28,807	56,54,624	63,81,540	69,05,136
ilcund	67,02,481	64,12,554	58,58,664	55,18,641	63,53,941
a.....	66,53,934	70,56,480	75,01,686	62,55,285	70,34,606
habad	96,47,608	91,63,217	87,87,969	75,16,670	84,00,698
ares (Goruck- r, and Azim- rh, only).....	17,42,824	17,92,438	24,43,719	29,95,416	34,99,065
Total...	2,44,39,879	2,76,41,105	3,03,45,527	3,05,43,174	2,97,14,818	3,02,46,666	2,86,37,753	3,22,01,328

As the settlement was chiefly effected between 1832-33 and 1841-42, if we take the average collections for ten years immediately preceding that period, and for the five years available which immediately followed it, we shall have a tolerable ground on which to form an opinion of the financial results of the measure. This comparison shows an increase in the annual collections, subsequent to the settlement, amounting to rupees 20,72,332. But closer examination will shew that, of this increase, Rupees 17,31,434, are derived from the districts of Goruckpúr and Azimghur alone, leaving only about three and a half lacks as the additional income from the rest of the Provinces. When the resumed Múafís and lapsed Jaghírs are taken into consideration, (between seven and eight lacks were obtained from the Begum Sumroo's estates in the Duáb alone,) it will be evident that the general pressure of the assessment has been relaxed, as well as equalized. The two districts, of which the Jumma has been so much raised, are known to be still lightly taxed, and pay their revenue with ease and punctuality.

The financial part of any settlement in these provinces must be always more or less at the mercy of the seasons. The utmost, that research and caution can effect, is to fix such a demand, as may be easily realized under ordinary circumstances; the profit left to the proprietors being sufficient to meet any moderate fluctuation in the amount and value of the produce. But no foresight can guard against those heavier calamities to which the husbandman in India is peculiarly liable; when, from failure of rain, the earth becomes iron and the heavens brass, or the ripening crops are beaten into mud by a tropical hail-storm. The late settlement has been severely tried in this respect. The Kurrif crop of 1241 Fussily (1833 A. D.) was generally a very bad one, especially in Bundelcund; and the following ten years were on the whole far from favourable to agricultural operations. One of these years, 1837-38, will long be remembered in the Duáb, as a fearful period of absolute famine. We need not describe the misery then prevalent, which must be still fresh in the recollection of all who witnessed it. The weight of the infliction fell on the five districts of the Agra division, and on Cawnpore;* and the destruction, which it occasioned in the numbers and resources of the people, will be best understood from the following facts. The settlement demand from the six districts named was in

round numbers ninety-five and a half lacks of rupees, which was about one lack less, than it had stood at, before the general revision. Of this sum, forty-two lacks were remitted in the year of famine; while, in the course of the next seven years, a further defalcation occurred of fifty-nine lacks; so that the total loss of revenue to Government on these districts alone amounted during the above period to more than a million sterling. Nor was this all. Such was the extent of land thrown out of tillage, and the reduction of rent in the remainder, owing to the deficiency of cultivators, and such the impoverishment of the people, that it was necessary not only to refrain from the rigid exaction of the Government demand, but also to relinquish absolutely part of its amount. The aggregate revenue of the districts in question has consequently been reduced by three and a half lacks for the remainder of the thirty years' settlement; a much larger intermediate remission being allowed for some years, till the estates, which had suffered most, should have partially recovered themselves. These results cannot be charged as an imperfection upon the settlement. They arose from signal visitations of providence, which were beyond human controul; and the losses sustained, both by the state and by individuals, could not, under the circumstances, have been averted. The country has on the whole recovered itself wonderfully from the state of depression into which it was thus thrown; and it is a further consolation that, if any parts of the assessment were unsound, they can scarcely have escaped the searching ordeal to which they have been subjected.

No provision for artificial irrigation can altogether obviate the evils attendant on long-continued drought; but it may do very much to mitigate them. The plains of the North West Provinces possess great natural advantages for this purpose. The perennial snows of the Himalayas rise immediately above them, and contain an inexhaustible reservoir of the precious element, which it only requires skill and money to convey to any point where it is needed. Two of the principal channels, which conduct the drainage of these mountains to the sea, intersect the provinces throughout their whole extent. One of these, the Jumna, has been long made use of for purposes of irrigation to the utmost of its capacity; but the much larger stream of the Ganges has hitherto been allowed to run heedlessly to waste. This will soon be no longer the case. The great Ganges Canal has been now four years in course of construction; and it is hoped that six more will witness its completion. The magnitude of the undertaking, and the difficulties

water, discharging 6,750 cubic feet per second, has to be conveyed, over the bed of a mountain torrent, by an embankment and aqueduct $2\frac{1}{2}$ miles in length.* This noble work will run along the high central land of the Duáb, throwing off branches along the ridges which separate the smaller streams, and will thus afford water to most of the worst sandy tracts, hitherto entirely destitute of irrigation. From Hurdwar, down to Futtehpúr, it ~~will~~ immensely increase the produce of the country, while it will for evermore relieve the intense anxiety now occasioned by any signs of a failure of rain. Whatever may be the state of the seasons, sufficient food will always be grown for the subsistence of the people and cattle, and sufficient land will remain in cultivation to afford them employment. They will consequently neither suffer, nor be driven away, to any thing approaching the same degree as heretofore. The effect of the canal upon general prices, and upon the fortunes of those estates, which do not come within its influence, is another question, which must be left for experience to solve.

The period, for which the settlement has been confirmed, varies in different districts from twenty to thirty years. Some of the leases will begin to fall in, ten years hence: and it will then become necessary to consider, whether they shall be renewed without alteration for a further term, or whether a new revision shall be entered on. We have no expectation that the present arrangements will be made absolutely permanent; and we should much deprecate such a course. The mere liability of the N. W. Provinces to accidents of season, even allowing for the great change which the new canal will produce, must always render it inexpedient to fix their assessment in perpetuity. A contract of this kind would always be binding on the Government, but could never be uniformly fulfilled by the people. Such a season, as that of 1837-38, would make the permanent assessment a nominal one, over a great part of the country. A sufficient argument against such a measure might indeed be found in its evident unfairness. The rate, at which the demand of Government now falls on the cultivated acre in entire districts, varies from Rs. 1-0-3 in Goruckpúr to Rs. 2-13-8 in Cawnpúr; notwithstanding that it has been nearly trebled in the former district, and much lowered in the latter. There can be no question but that these extremes may be brought much nearer each other at the next

* The masonry aqueduct, under which the Solani river passes, will be 1,010 feet in length. The total length of the canal, including its branches, will be between 800 and 900 miles. For full information, regarding this undertaking, we must refer

revision, and that many other parts of the country will have so improved, before that time arrives, as to be well able to bear a larger portion of the public burdens. But the inequality, to which we refer, exists as much between different villages, as between different districts: We have already observed that complete uniformity of assessment cannot be attained, even in adjoining estates; though any extraordinary deviation from it should be avoided. In the present agricultural condition of the N. W. Provinces, those villages, which are found, at the time of settlement, to be from any cause in a flourishing state, must of necessity be rated higher, than those which are depressed and unproductive. A village held by a cultivating community, who labour with their own hands, will pay more than one tenanted by men of a higher caste, who employ hired plough-men. Another, which possesses several masonry wells, will yield double the revenue of a neighbouring estate, which is without that advantage. The vicinity of a good market, facilities for obtaining manure, the number and caste of the resident ryots, are all matters on which the profitableness of different estates greatly depends. But these may all be modified, or entirely reversed, in a less period than that of the settlement. Cultivators and proprietors may vanish, and be succeeded by others; wells may become unserviceable, and others may be built elsewhere; markets may change; the populous village may dwindle to a few houses, and the hamlet may rise into importance. It is needless to remark on the revolution, in these respects, which the opening of a railway, and still more so perhaps of the new canal, will produce. The most carefully adjusted arrangements will hereafter require re-consideration, when the conditions, on which they must be founded, are thus liable to change.

Our proposed task would be imperfectly performed, if we did not advert to some of the objections, which have been brought against the settlement. We need not dwell long on those, which were more often advanced, in former days than they are now, against the present mode of assessment, as being a system of mere conjecture, or an attempt to enforce an uniform rate, entirely inapplicable to the varying circumstances, with which we have to deal. We have already shown that the average rates are only meant as a standard of comparison; that no means of obtaining really useful information need, or should, be neglected; and that the necessity of keeping up the appearance of extreme accuracy, without the substance, has alone been dispensed with. A more usual accusation, on the part of the "laudatores temporis acti," has reference to the pains which have been taken to ascertain and protect all subordinate rights.

This is the remains of the old leaven, which would have made every Zemindar the little despot of the tract, for which he had come under engagements with Government. We recollect "the father of the Civil Service" saying in 1831, with reference to a pending investigation into private claims in the Rajah of Benares's family domains, that it "was of a piece with the Reform agitation, then going on in England; the setting up of 'little men against the great.'" Men of this stamp object to affording the ryots any species of redress against a rack-renting landlord; to the admission of the mass of sharers in a proprietary community to any part in the management, or in the annual profits; and, more than all, to the independent tenures granted to the village landholders in Talúkas. Now the principles, which have been followed in these matters, may be viewed in relation, either to their equity, or their expediency. We do not believe that they have ever been seriously assailed on the former ground, though of course exception may be taken to the justice of their application in particular instances. If so, we are not very careful to answer in the matter: for it would be departing from the maxims of a civilized nation, as well as from the duty of a Christian Government, not to defend the oppressed from him that spoileth him. "*Fais ce que dois, arrive que pourra,*" is the rule for public, as well as private, life. We are not called upon, like Lyeurgus or Numa, to make laws for an infant people, by which their future opinions, habits, and institutions, are to be moulded and regulated. That was all settled for us fifty generations ago. We have only to recognize and defend private rights, in whatever hands, by the general sense of the country, they may be lodged.

Even, however, as regards expediency, we are well satisfied that, on the whole, the best course has been followed. The transactions between the zemindars and their ryots, as far as relates to the amount of rent, will be eventually determined, except in a few peculiar cases, on the same principles, which regulate such transactions elsewhere. The only interference, exercised under this head, is to protect the tenant from capricious and unjustifiable acts on the part of the landlord. It never can be injurious to the interests of an agricultural country, that some consideration should be necessary, before the burdens of the actual tillers of the soil are increased; or that cultivators of long standing should be allowed a fixed tenure, subject to the payment of a fairly estimated rent. How fortunate would it be for Ireland, if matters could be there put on the same footing! The other question, as to the recognition of subordinate proprietary rights, touches upon one which has been much discuss-

ed of late; viz. the advantages, or otherwise, of peasant Proprietorship. If this subject were being considered abstractedly, together with the law of succession to immoveable property, with which it is intimately connected, we should agree with the supporters of primogeniture, rather than with the opposite party. We are convinced that of two nations, otherwise similarly circumstanced, that one will in the long run become the richest and most prosperous, in which consolidated estates descend to a single heir, and are leased out to a distinct class of substantial farmers; and not the other, in which every property, however small, is subjected at each succession to division and sub-division; in which the owners of land are thus reduced to the grade of mere cultivating labourers, and sink both in means and intelligence to that condition. The comparative state of England and France at the present day, allowing for all the conflicting accounts, which have been put forth regarding the latter country, is, in our opinion, quite sufficient to establish this conclusion. But, with regard to India, the case is different. In the present state of agricultural science in this country, the produce of the soil depends mainly on the degree of positive labour bestowed on it; and this will be greater, *cæteris paribus*, when the cultivator is himself the proprietor, than when he is only a tenant. Certainly no villages pay the same amount of revenue with the same ease, as those entirely occupied by Ját or Kuromí sharers, whose separate holdings may average no more than fifteen or twenty acres. The time will doubtless come, when knowledge and capital will assert their superiority in the husbandry of this, as of other countries; when the success of agricultural enterprise will depend, less on intensity of manual labour, than on the introduction of more valuable products, of improved modes of culture, and of the use of machinery. In the meanwhile, however, a process is going on, which will greatly counteract the effect of the law of equal inheritance, and which the late admission of all sharers to defined and recorded rights will rather assist than retard. These sharers, and the smaller landed proprietors in general, are for the most part poor and improvident. Their custom of expending larger sums, than they can afford, on many domestic occurrences, prevents them from accumulating funds against a day of difficulty; which, owing to the uncertainty of the seasons, is never long in arriving. The consequence is, that they are constantly in debt, and from their own ignorance of accounts, and of our forms of law, they lie much at the mercy of their creditors. On the other hand, the trading and money-lending classes are steadily amassing wealth under our settled Government; and much of this wealth is always seek-

ing investment in land. Hence arise incessant forced or voluntary transfers of landed property; more and more of the soil is annually passing into the hands of capitalists; and properties, which had been separated under the existing law of inheritance, are being brought together again under their new possessors.* However much this course of events is on some account to be regretted, it can only be effectually checked by the spread of prudence and intelligence among those who suffer from it. The attempt to promote these qualities by an education, suited to the mass of the people, is not altogether neglected; though more may be, and doubtless will be, done in this respect; but amendments in the character of a nation are ever of slow growth. It is therefore well to look to the benefits, which may hereafter accrue from the change now in progress to the country at large, rather than to the loss of position, thus sustained, by many of its ancient and far descended occupants.

The settlement has however been also attacked from an opposite quarter. It has been said, that, when we proceeded so far as to record the sum payable to Government by every sharer, we should no longer have insisted on that rule of joint responsibility, whereby the whole community is bound, in the last resort and after all other measures have failed, to make good the default of one or more of its members. It has been urged, that this liability is a check to industry, while it encourages extravagance and dishonesty. It might be sufficient to reply to this, that the same national feeling which has been appealed to already as requiring the full recognition of individual rights, is also in favor of the rule thus objected to. It is part of the original constitution of these bodies, from which, so long as the community holds together, they never have been, nor do they seek to be, relieved.† But moreover, the obligation in question is a necessary feature of the arrangement, without which it would entirely change its character. The "village system" of Upper

* The following statement shews the mutations which have taken place in the Cawnpur district, since the cession.

Still in the hands of the original proprietors.	Transferred voluntarily.		Transferred by operation of Courts of Law.		Transferred by the operation of the Revenue System.	Total No. of Villages
	In whole	In part	In whole	In part	In whole.	
808	465	127	279	174	405	2,258

Of the ~~350~~ estates sold for arrears, 185 have been restored by the special Commission, as before stated.

† If the several sharers, or any number of them, wish to separate entirely from the rest, they can always do so under the laws for partition. The rarity of such applications among cultivating sharers of the same family or stock, proves how sensible they are of the advantages of their present position.

India, as it at present exists, is perhaps the best, which could have been devised under the circumstances of the country. It diminishes the toil and cost of Government, by enabling the state to deal with the representatives of large bodies of men, instead of with each individual comprised in them. It lessens the expence of management to the people themselves. It tends to minimize the evils, inseparable from a multiplicity of small properties, by collecting their owners into corporations, each member of which has a strong claim on the sympathy and assistance of the rest. It does much to produce a degree of self government among the people, and thus to obviate that utter dependence on the state, and that constant interference on the part of its officers, which are the general characteristics of Eastern despotisms. But, if the tie of joint responsibility were dissolved, the old fable of the bundle of sticks would be realized. It would be a matter of no consequence to the several sharers, whether the arrangements for the year's cultivation in the whole village were complete, or not. They would no longer have any personal interest in the prosperity of their brethren. The Revenue officer of Government would not only have to examine closely whether the distribution of the public demand on the numerous minute holdings was not designedly unequal, so as to throw the loss of the over-assessed portions upon Government, but he would also be obliged to enquire annually into the condition and prospects of perhaps 50,000 petty proprietors. He would be reduced, in short, to all the difficulties and uncertainties of a Collector under the Ryotwarí system; while the people would be subjected to the ceaseless annoyances, exactions, and official intervention, which that system involves.

It is perhaps too soon to point to the actual results upon the welfare of the country and its inhabitants, as a conclusive answer to these and all other objections, which may be brought against the settlement. The affairs of nations, like the tide, oscillate perpetually; and it requires some lengthened observation to perceive whether they are really advancing or retrograding. Still, we think, that we can adduce facts, which may justly be taken as evidence of growing prosperity. The regular collection of the land revenue is the best proof we have, that all is going on well: and this has, of late, become more and more satisfactory. We give a statement below, by which it will be seen, that, during the last 5 years, for which information is available, down to 1847-48, the total real balance, upon a demand of more than four crores of rupees has decreased to less than one half per cent; and that a marked diminution has

at the same time occurred in the coercive processes necessary to enforce payment.* The balances are given, as they appeared at the end of each official year; and at least two fifths of them were considered capable of realization. All the other branches of revenue appear to be in an improving state. The Abkari, or Excise, which is considered in all countries a good test of the public well-being, is increasing steadily year by year.† The Ferry Tolls, from which deductions may be drawn as to the state of trade and of public enterprise and activity, are similarly advancing.‡ The Customs yield now nearly 24 lacks more than they did eighteen years ago, having been regularly progressing since that time; and, though this is doubtless owing to successive changes in the law, commencing with that which abolished the Inland Customs Houses, and confined the demand to the two lines on the Frontier and at Allahabad, still the ability of the country to pay this additional sum, without any apparent difficulty, is a matter for congratulation.§ The sums, voluntarily expended by pri-

Year.	Per centage of balance on total demand.	Coercive Processes.			
		Sales.	Farms.	Transfers.	Dustucks or summonses to pay.
1843-44	2.25	221	260	423	3,78,597
1844-45	1.88	121	214	414	3,48,790
1845-46	1.20	97	127	347	2,92,682
1846-47 .....	.46	115	129	238	2,58,235
1847-48 .....	.48	52	41	108	2,35,127

† Abkari Collections for current years only ..	1843-4.	1844-5	1845-6.	1846-7.	1847-8.
	Rs.	Rs.	Rs.	Rs.	Rs.
	13,12,928	14,93,402	15,69,110	16,20,000	17,09,254

‡ Collection from Ferry Tolls.

Average of 4 years from 1840-41 to 1843-44.....	Rupees.
Ditto of ditto 1844-45 to 1847-48.....	1,32,391
	1,86,643

§ Average Customs Collections from 1824-25 to 1829-30	Rupees.
Ditto Ditto 1830-31 to 1834-35	33,42,644
Ditto Ditto 1836-37 to 1842-3	40,25,780
Ditto Ditto 1844-45 to 1847-48	43,79,324
	57,27,988

Two years have been omitted, in which changes in the law took place

vate individuals on works of public utility, have averaged, during the last five years, Rs. 1,23,321 annually. This may be some index to the very much larger amount, which is undoubtedly laid out, with a view to individual profit or convenience. We now come to the value of land in the market. We have no means of ascertaining accurately the current prices obtained in former years upon any sales, except those effected on account of arrears of revenue; and, as these were all forced sales, generally of deteriorated estates, and as many of them were purchased by Government at nominal prices, they would afford little information worth having. It was however usually calculated, that an estate was worth rather more than a sum equal to the revenue, which it paid each year to Government. It was stated in 1837, by the able writer of the article in the *Meerut Magazine*, which we have before quoted, that the common price was one year's rent, which would be about half as much again as the jumma; and that an examination of sixty-six cases of private sale gave him a result of Rs. 3-1-7 per acre of cultivated land. More attention is now paid to this interesting subject, and we have been able to obtain very extensive data, which show that the price, obtained at private sales, has now risen to three and a half times the annual jumma, and that it averages Rs. 4-2-10 per acre on the total area sold.* It would be higher of course on the cultivation alone. Even compulsory sales for decrees of Court bring a higher price, than private sales did in former days. Putting all these circumstances together, and considering that there is nothing to be stated on the other side, and that no general distress exists

* Result of sales in the temporarily settled parts of the North Western Provinces, for three years from 1845-46 to 1847-48, omitting Goruckpūr and Azimghur.

	Total acres.	Govt. Jumma.	Price obtained.	Price per acre.	Percentage of price to Jumma.
		Rs.	Rs.	Rs. As. P.	
Private Sales	7,15,083	8,60,455	29,92,221	4 2 10	347
Sales for Decrees of Court	3,11,791	4,24,623	10,94,832	3 8 2	258

Ditto ditto for Goruckpūr and Azimghur.

Private Sales	1,05,880	94,736	9,89,728	9 5 7	1,044
Sales for Decrees	1,01,697	71,272	3,17,723	3 2 0	445

Goruckpūr and Azimghur are shown separately, as, owing to the lightness of the assessments, much better prices are obtained there than elsewhere.

in any extensive class of the population—we think, we are justified in assuming, that the measures of internal policy, which have been pursued, have been successful, and that we may look forward to their yet undeveloped results with well-grounded confidence.

We have reserved to the last the question, touched upon at the commencement of this article, because it refers to the Indian Revenue system in general, rather than to any particular measure connected with it. Those, who assert that the cotton and sugar of India are kept out of European markets by the pressure of the land tax, must be entirely ignorant of the nature of that tax, as enforced at least in the N. W. Provinces, and, still more, in Bengal. It is acknowledged on all hands that rent, as generated and regulated in England, produces no effect on the price of agricultural produce. That price is influenced, from time to time, by the demand as compared with the supply, but is determined in the long run by the expense of production on the worst soils; and it is the value of the produce, thus fixed, which enables the better soils to yield rent. It is the same in India; although it is true, as Professor Jones has shown, that the conditions, attaching to the origin and amount of rent, are not precisely the same here, as in England. The only difference between the principles, which regulate the price of raw produce in the two countries, is this: in England, the average price must be such, as to afford the usual wages to the labourer, and the usual profits of stock to the farmer, upon the least productive lands, which the wants of the nation require to be kept in cultivation. In India, the labourer and the farmer are generally the same individual; there is no fixed standard for the rate of wages, or of profits; and the mass of the people, having no resource except agriculture, are more liable to undue exaction than elsewhere. Still the price of produce must, at least, be such, as to enable the cultivator to subsist, and to replace the little capital necessary for his operations. In both countries, there are lands, which are barely fertile enough to fulfil these respective conditions, under which alone the works of the field can be carried on; and such lands can therefore yield little or no rent. Neither can the rent, which the superior fertility of other lands enables them to yield, in any way influence the price of produce—this having been already determined on other grounds.

If then the fact of the payment of rent (it matters not whether to the government, or to a private proprietor) can in no degree affect the price of raw produce, it is still more certain that the demand, by the state, of only a portion of the produce can exercise no such influence. It has been seen

that the revenue is limited in the North Western Provinces to about two-thirds of the gross rent, and that it is often much less. In the permanently settled Provinces of Bengal, it probably falls short of one-half. It follows, that if the public revenue were to be immediately reduced thirty or fifty per cent. the only effect would be that the private proprietors would be richer men. They would probably spend larger sums in equipages, festivals, and perhaps in litigation, as they now do in Bengal. The market price of grain, cotton, or sugar, would remain the same as before. As no distinguishing tax is laid by Government, in either portion of this presidency, upon any particular species of produce, the general diminution of the demand would in no way alter the relative profitableness of different crops. No stimulus would therefore be afforded by such a measure to the growth of any staple article; nor would any market be opened to it, from which it is at present excluded.

Notwithstanding the unusual length, to which our observations have run, we fear that imperfect justice has been done to the extensive subject, of which we have been treating. To all, who have been experimentally acquainted with the work of settlement, it is associated with the remembrance of severe exertion, but at the same time of great and varied enjoyment. We look back, as through the vista of many years, and see the white camp rising in the long aisles of the ancient mango-tope. We see the fair-haired Saxon youth opposing his well-trained intellect to the new difficulties that crowd upon him. We see him exerting daily, and with no vain or fruitless result, all his faculties of observation, of research, of penetration, of judgment. It is a strange sight—a wonderful proof of the power of intellectual and moral education—to watch the respect and confidence, evinced by grey-headed men, towards that beardless youth. We see him, in the early morning mist, stretching at an inspiring gallop over the dewy fields. Not unmindful is he of the hare, which scuds away from his horse's feet; of the call of the partridge from the brake; or of the wild fowl on the marsh. The well-earned holiday will arrive, when he will be able to follow these, or perhaps nobler game; but at present he has other work on hand. He is on his way to some distant point, where measurements are to be tested, doubts resolved, or objections investigated. This done, he returns to his solitary breakfast, cheered by the companionship of a book, or perhaps by letters from a far distant land—doubly welcome under such circumstances. The forenoon is spent in receiving reports from the native officers employed under him; in directing their operations; in examining, comparing, analysing, and arranging the various information, which comes

quarters. As the day advances, the wide-spread shade begins to be peopled with living figures. Group after group of villagers arrive in their best and whitest dresses; and a hum of voices succeeds to the stillness, before only broken by the cooing of the dove, and the scream of the parroquet. The carpet is then spread in the open air; the chair is set; litigants and spectators take their seats on the ground in orderly ranks. Silence is proclaimed, and the rural court is opened. As case after case is brought forward, the very demeanour of the parties, and of the crowds around, seems to point out on which side justice lies. No need here of ex-parte decisions, or claims lost through default. All are free to come and go, with little trouble, and at no expense. No need of lengthened pleadings. A few simple questions bring out the matter of the suit, and the grounds on which it rests. No need of lists of witnesses. Scores of witnesses are ready on the spot, alike unsummoned and untutored. No need of the Koran, or Ganges water. The love of truth is strong, even in an Indian breast, when preserved from counteracting influences; still more so, then, when the sanction of public opinion assists and protects the right cause. In such a court, Abraham sat, when arbitrating among his simple-minded herdsmen. In such a court, was justice every where administered in the childhood of the human race; before wealth increased, and with wealth complicated interests, and law became a science requiring a life's study to understand.

Strange must that man's character be, and dull his sympathies, who, in the midst of occupations like these, does not find his heart accompanying and lightening his labours. He sees the people in their fairest light; he witnesses their ceaseless industry, their contented poverty, their few and simple pleasures, their plain sense of justice, their general faithfulness to their engagements. He finds them, as a nation, sober, chaste, frugal, and gifted with much of that untaught politeness, in which the rustic classes of colder climes are so often deficient. For months together, he uses no language, enjoys no society, but theirs. To these causes of attachment, is added that powerful tie, which unites us to those, whom we have laboured long to benefit. The knowledge and feelings, thus acquired under the green wood tree, will not be forgotten in after days; when the dark side of the picture will alone be presented to his view; when he has to deal with roused passions, and selfish desires, uncontrolled by a true Faith; when his intercourse with the people is confined to the prisoner at the bar, or to the vakils of a grasping plaintiff, and of a fraudulent (perhaps because oppressed) defendant.